CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Th 7c

Click here to see
the report addendum.

March 26, 2008

TO: **Commissioners and Interested Persons**

FROM: **Sherilyn Sarb, Deputy Director, South Coast District, Orange County**
Teresa Henry, District Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 1-07C to the City of Laguna Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the April 9-11, 2008 hearing in Santa Barbara).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-07C

Request by the City of Laguna Beach to amend both the Land Use Plan and the Implementation Plan (IP) portions of the Local Coastal Program (LCP) by incorporating the changes contained in numerous City of Laguna Beach Resolutions and Ordinances (see exhibit 1).

Only one change is proposed to the certified Land Use Plan. The City's Safety Element includes a Fuel Modifications section. Only the Fuel Modifications section of the Safety Element is part of the City's certified Land Use Plan. The proposed amendment includes changes to the certified Land Use Plan Fuel Modifications Program. Staff is recommending denial of the LUP amendment as submitted, and approval if modified as suggested. The City's proposed changes include an introduction of the use of goats as a means of vegetation removal, and, expands the width of the area where fuel modification/vegetation clearance would occur. Staff is recommending suggested modifications to: 1) eliminate the reference to goats; 2) to prohibit new subdivisions or other divisions of land that would require fuel modification within environmentally sensitive habitat areas; and 3) establishes limitations on fuel modifications within public open space and park land.

Most of the changes proposed to the Implementation Plan are clarifications and/or procedural in nature and do not raise issues with regard to consistency with the City's certified Land Use Plan. However, staff is recommending a number of suggested modifications to assure continued consistency between the certified LUP and the IP as amended. Changes proposed to the IP include: updating the Residential Hillside Protection Zone; addition of new Chapter 25.16 to address Artists' Joint Live/Work Units (currently allowed in some areas but this new chapter more comprehensively addresses them); new Lot Combination procedure in the Arch Beach Heights Specific Plan; numerous changes throughout Chapter 25.52 Parking Requirements; changes affecting drive-in and take out restaurants; changes to the existing Second Residential Units chapter to reflect changes to state law; changes to the Flood Damage Prevention chapter to require flood damage upgrades more readily; numerous changes to Chapter 25.54 Sign Regulations; clean up of the industrial zones chapters; changes to Title 21 Plats and

Subdivisions regarding Planned Residential Developments and updating the method for calculating the fee paid in lieu of land dedication; and various other relatively minor changes throughout the certified Implementation Plan. The inclusion of the following new Chapters within Title 25 Zoning Code (which comprises the majority of the Implementation Plan) are also proposed: Chapter 25.22 Bed and Breakfast Inns, Chapter 25.55 Telecommunications Facilities; Chapter 25.23 Short Term Lodging; and, Chapter 25.85 Library Impact Fee.

The subject LCP amendment was previously scheduled for the March 2008 hearing but was postponed. Commission staff received comments from the City regarding the staff recommendation (see exhibit 31). Those comments focused on the staff recommendation with regard to parking and fuel modification. Commission staff have worked with City staff on the suggested modifications regarding parking and believe language has been worked out that is mutually agreeable to City staff and Commission staff. However, there remains disagreement over the staff recommendation with regard to fuel modification. The City disagrees with Suggested Modification No. 2; specifically with the language suggested by staff that would prohibit new divisions of land (and subsequent development thereof) that would result in a requirement for fuel modification or fuel breaks within environmentally sensitive habitat areas (ESHA) or on public open space or park lands. Language supplied by City staff would allow new division of land along with subsequent development that result in fuel modification within ESHA and on public open spaces or park lands, so long as those impacts are mitigated. Commission staff did not accept that language because it is inconsistent with the requirements of Section 30240 of the Coastal Act, which require the protection of ESHA and requires that new development be sited to prevent impacts that would significantly degrade ESHA and park areas. So, using the staff recommended language, impacts to ESHA and parks are avoided (consistent with the requirements of Section 30240 of the Coastal Act); whereas, the City's approach would allow such impacts to occur as long as those impacts were mitigated (which is an approach that is not consistent with the requirements of Section 30240).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

> **Deny** the amendment request to the Land Use Plan **as submitted;** and
> **Approve** the amendment request to the Land Use Plan **if modified as suggested**.
>
> **Deny** the amendment request to the Implementation Plan **as submitted**, and
> **Approve** the amendment request to the Implementation Plan **if modified as suggested**.

The motions to accomplish this are found on pages 5 - 7.

In addition to the suggested modifications to the LUP identified above, modifications to the Implementation Plan are suggested primarily in the following areas: various clarifications that impacts to environmentally sensitive areas are not allowed and other impacts must be minimized where feasible, as well as mitigated; that private roads may only be allowed when connections to public open space and recreation areas are not adversely impacted; that, for second residential units, although a local public hearing is no longer required, public notice of the local review is still required and that written comments may be submitted; that Artists' Joint Live/Work Units (a lower priority use) not be allowed within the City's primary visitor serving zone (C-1 Local Business); and modifications to the proposed reduction in required parking for certain incentive uses.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Land Use Plan is consistency with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed amendment to the LCP Implementation Plan is conformance with and adequacy to carry out the provisions of the certified Laguna Beach Land Use Plan.

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

> During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The public hearing for Planning Commission action on Resolution No. 04.068, requesting Commission action on this amendment request, was held on May 26, 2004. The City Council public hearing on this Resolution was held on July 6, 2004. There were no public comments at these public hearings. Numerous public hearings were held over the last 15 years on the various resolutions and ordinances that make up this amendment request.

STAFF NOTE: History of City's Submittal of LCPA 1-07. The proposed amendment was submitted as part of a larger amendment, Laguna Beach Local Coastal Program Amendment 1-07. That amendment request was originally submitted as LCPA 1-04. A portion of LCPA 1-04 (LGB LCPA 1-04A) was approved by the Commission at the November 2006 hearing. LCPA 1-04A, which reflected the changes contained in Laguna Beach City Council Resolution Nos. 1416 and 1456, established regulations to moderate the size of new homes and remodels in order to be more compatible with the neighborhoods in which they are located, and provided more detail regarding the

requirement to erect staking poles for projects subject to design review. The remainder of LCPA 1-04, LCPA 1-04B was withdrawn and resubmitted by the City in order to provide more time to review the amendment request. When LCPA 1-04B was resubmitted it was given the number LGB LCPA 1-07. A portion of LCPA 1-07 was separated and assigned number LCPA 1-07A and was approved by the Commission at the April 2007 hearing. LCPA 1-07 A modified Chapter 25.45 (Historic Preservation) of Title 25 (Zoning Code) of the City's Implementation Plan portion of the City's certified LCP by: 1) clarifying that when a conditional use permit is required, the approval authority for existing parking incentive benefits is the City Council (previously the Design Review Board); and, 2) clarifying that the historic character of the building includes interior features that are visible from outside the structure, if integral to the historic building design. LCPA 1-07A was processed and approved as a minor amendment.

A second portion of LCPA 1-07 was separated and assigned number LCPA 1-07B and was approved with suggested modifications by the Commission at the August 2007 hearing. LCPA 1-07 B primarily made changes to Section 25.05 of the City's Zoning Code (Title 25). Title 25 constitutes a large part of the City's certified Implementation Plan. Section 25.05 is titled "Administration" and provides standards for most of the City's permitting processes.

LCPA 1-07 includes a total of 45 City Council Resolutions/Ordinances which propose to incorporate changes made over the course of the last 15 years (see exhibit 1). Due to the extent of time covered, many of the changes made in the various ordinances overlapped and/or superseded one another. Changes made in one ordinance may include changes to various parts of the Implementation Plan, so separating portions of the amendment into related categories has been difficult.

Subject LCPA 1-07C. The overall amendment submittal for LCPA 1-07 is quite extensive. LCPA 1-07C includes a subset of all the ordinances that constitute LCPA 1-07. This LCPA submittal results from Commission staff's review of a previous LCPA submittal, where it became apparent that changes had been made to the City's Implementation Plan that had not been forwarded for review and action by the Coastal Commission. In order to rectify that situation, City staff prepared and submitted the current amendment request (originally LCPA 1-04). An LCP amendment, as submitted by a local government, may bundle any number of related and/or unrelated ordinances/resolutions together in a single amendment submittal. Such is the case in the current amendment request. The Commission may act on separate segments of such a "bundled" amendment independently of the other ordinances submitted together as a single amendment request. However, changes contained within a single ordinance cannot be separated out and heard separately.

It should also be noted that the City's LCPA submittal includes Ordinance No. 1312 and Ordinance No. 1390. The changes proposed under these ordinances were superseded

in their entirety by subsequent ordinances also included in this LCP amendment, and so will not be included in any of the Commission actions on LCPA 1-07 (and formerly 1-04).

ADDITIONAL INFORMATION

Copies of the staff report are available on the Commission's website at www.coastal.ca.gov and at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Meg Vaughn in the Long Beach office at (562) 590-5071. The City of Laguna Beach contact for this LCP amendment is Ann Larson, Principal Planner, who can be reached at (949) 497-3311.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

A. Denial of the Land Use Plan Amendment as Submitted

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-07C to the City of Laguna Beach Local Coastal Program as submitted by the City of Laguna Beach.*

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY:

The Commission hereby denies certification of the Land Use Plan Amendment No. 1-07C as submitted by the City of Laguna Beach and adopts the findings set forth below on the grounds that the amendment does not meet the requirements of or conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Approval of the LUP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify Land Use Plan Amendment No. 1-07C for the City Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan Amendment No. 1-07C for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Denial of the Implementation Plan Amendment as Submitted

MOTION: *I move that the Commission reject the Implementation Plan Amendment No. 1-07C for the City of Laguna Beach as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-07C submitted for the City of Laguna Beach and adopts the findings set forth below on grounds that the Implementation Plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted

D. Approval of the IP Amendment with Suggested Modifications

MOTION: *I move that the Commission certify the Implementation Plan Amendment No. 1-07C for the City of Laguna Beach if it is modified as suggested by staff.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Plan Amendment 1-07C for the City of Laguna Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

Certification of City of Laguna Beach LCP Amendment Request No. 1-07C is subject to the following modifications.

The Commission's suggested additions are shown in ***bold, italic, underlined text***.

The Commission's suggested deletions are shown in ***~~bold, italic, underlined, strike out text.~~***

Note: The numbering used in the suggested modification below may be re-numbered as necessary to conform to the format of the existing certified LCP document.

LAND USE PLAN SUGGESTED MODIFICATIONS

A. Suggested Modifications to the Fuel Modifications Program

Suggested Modification No. 1 (Land Use Plan)

Delete the language from the City's proposed Fuel Modifications language as shown in ***~~bold, italic, underlined, strike out format~~*** (on page 44 of the City's Safety Element, under the heading "Fuel Modification Program":

Through sound management of the vegetation and planting at the urban wildlands interface it is possible to increase moisture content and reduce fuel loading, thus moderating potential fire hazard. The process of changing the moisture content by adding irrigation or planting moisture-retentive plants and reducing the volume of shrubs and woody debris by thinning and removal is termed fuel modification. ***~~Thinning and removal can be accomplished by the use of hand crews or by a combination of manual removal and grazing. The City has used both methods to maintain fuel modification zones. In the past cattle grazed the Irvine and Moulton Ranches to the north and east; and in recent years the City has contracted with herders to have goats graze vegetation in planned bands between homes and naturally vegetated areas.~~***

~~Fuel modification can be effective, with North Laguna as an example. Although located directly in the path of the fire, the North Laguna area did not suffer heavy loss of homes in the 1993 firestorm. This may be partly because of the fuel modification zone which had been thinned by supervised goat grazing one to two years before the firestorm occurred. These hills are also rich in moisture-retaining beavertail cactus, which is much slower to burn than dry sage scrub.~~

A typical recommended design for fuel modification zones is illustrated in Figure IV-1. … … no further modifications

Suggested Modification No. 2 (Land Use Plan)

On page 46 of the City's Safety Element, starting with the fourth paragraph, add the language highlighted below:

Fuel modification can occur on private or public land, but modification performed by private property owners cannot go beyond property lines without agreement by the adjacent property owners. ***Fuel modification on public land to protect existing development should be avoided whenever feasible; if avoidance isn't feasible, measures must be employed to minimize the amount of fuel modification necessary on public land.*** In cases where fuel modification is needed on public land, a fuel

modification easement can be granted to the adjacent private party assigning the private party maintenance and liability responsibility.

While in most areas of the City with existing homes the concepts of fuel modification must be applied to remedy, as much as possible, a less than ideal situation, owners of undeveloped properties and lots should conduct site planning from the beginning of a project design to create proper zones and setbacks, and to site structures at the safest locations in terms of fire danger. Responsibility for the continued maintenance of fuel modification areas also needs to be defined and structured. ***No new division of land shall be allowed which would require fuel modification (e.g. vegetation removal) or fuel breaks in environmentally sensitive areas or on public open space or park lands to protect new development within the resultant lots.***

IMPLEMENTATION PLAN SUGGESTED MODIFICATIONS

B. Suggested Modifications to Chapter 25.15 Residential Hillside Protection

Suggested Modification No. 1(Implementation Plan)

Make the following changes to Section 25.15.004

Section 25.15.004 Design Criteria

The area included in the Residential/Hillside Protection Zone encompasses a substantial amount of … no change

The following design criteria have been … no change … As part of the environmental review process for any project, the City ***~~may also~~ shall*** require detailed environmental studies to identify specific impacts***, measures to avoid those impacts,*** and ***when allowable impacts are unavoidable,*** the necessary mitigation measures.

(A) To ensure …

(1) Building Site. Buildings and other improvements should be located on slopes of less than thirty percent and ***shall ~~should~~*** be situated such that they do not adversely impact any ***~~mapped~~*** environmentally sensitive areas, and should minimize impacts to ridgelines, geologic hazard areas, ***and*** unique landforms.

(2) No change

(6) Landscaping. The proposal should maintain native vegetation to the greatest extent possible and should include the provision of additional native vegetation to mitigate potential visual impacts and erosion concerns associated with the development proposal. ***Invasive plantings shall be prohibited.***

(7) Fuel Modification. The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on

existing native vegetation and areas of visual prominence. ***Alternative means to thinning and/or removal of native vegetation for fire hazard management such as minimizing the building envelope, and/or siting of the structure(s) away from hazard areas, and/or use of fire retardant design and materials are preferred where feasible.***

Suggested Modification 2 (Implementation Plan)

Make the following changes to Section 25.15.006

Section 25.15.006 Uses Permitted.

Buildings, structures and land shall be used, … no change
(A) Single-family dwellings;
(B) No change …

(F) Raising of ***non-invasive*** vegetables, field crops, fruit and nut trees and horticultural specialties used solely for personal or education, noncommercial purposes. The location of such agricultural uses should be restricted to areas where the slope does not exceed thirty percent (30%).

Suggested Modification No. 3 (Implementation Plan)

Make the following change to proposed Section 25.15.012:

25.15.12 Required Findings.
In addition to such written findings as may be required by State law or the Municipal code, … no change
(A) That the proposed … no change
(B) That the proposed development~~,~~ ***will not result in adverse impacts to environmentally sensitive areas, and that any unavoidable, allowable impacts will be minimized*** following incorporation of reasonable mitigation measures, ***and so*** will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
(C) No change …

C. Suggested Modifications to Title 21 Plats and Subdivisions: Chapter 21.14 Planned Residential Developments

Suggested Modification No. 4 (Implementation Plan)

Make the following change to Section 21.14.010(c)

(c) Private streets ***~~shall~~*** ***may*** be permitted when there is a homeowner's association established to maintain them ***and only when there is no potential that such privatization could adversely impact public use of and access to public open space and recreation areas including, but not limited to, public shoreline access, public parks and public trails***. The streets shall be built to standards of design established in Chapter 21 of the Municipal Code.

Suggested Modification No. 5 (Implementation Plan)

Make the following change to Section 21.14.060(A)

(A) That the Planned Residential Development will be constructed, arranged and operated so as to***: 1)*** minimize mass and scale, ***2) not*** increase hazard to neighboring property***, and 3) not*** ~~*or*~~ interfere with the development and use of neighboring property.

D. Suggested Modifications to Chapter 25.55 Telecommunication Facilities

Suggested Modification No. 6 (Implementation Plan)

25.55.006 Permits Required.

Make the following changes to 25.55.006(B):

(B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, all telecommunication facilities are subject to the granting of a conditional use permit as provided for in Section 25.05.030. ***~~If the proposed antenna site is unimproved, a~~ A***n associated coastal development permit ***~~will~~ may*** also be required pursuant to Chapter 25.07. Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008. The following classes of …

Suggested Modification No. 7 (Implementation Plan)

25.55.008 Review Criteria/Standard Conditions.

Make the following change to 25.55.008(D):

(D) Aesthetics. The City's "Guidelines for Site Selection and Visual Impact and Screening of Telecommunication Facilities," which is on file with the community development department for review and copying, shall be utilized to reduce visual impact. In an effort to reduce a proposed telecommunication facility's aesthetic visual impact, the Design Review Board may request that alternative designs be developed and submitted for the board's consideration. ***Aesthetic visual impact review shall include consideration of public views, including but not limited to, views to and along the coast, inland to and from the hillsides, as well as from public parks, trails and open***

spaces. Co-location of telecommunication facilities is desirable, but there shall not be an unsightly proliferation of telecommunication facilities on one site, which adversely affects community scenic and economic values.

Suggested Modification No. 8 (Implementation Plan)

Make the following change to 25.55.008:

Add new section (E) below section (D) and re-letter the remaining sections accordingly:

(E) Placement of telecommunications facilities shall not be allowed to cause adverse impacts on Environmentally Sensitive Areas (ESAs as defined in Open Space/Conservation policy 8-I). Placement within ESAs shall be prohibited.

E. Suggested Modifications to Chapter 25.22 Bed and Breakfast Inns

Suggested Modification No. 9 (Implementation Plan)

Make the following change to Section 25.22.050

Add the following paragraph after the City's proposed paragraph for this section:

Applications for parking reduction shall include methods to be employed to encourage use of alternative forms of transportation. Whenever a parking reduction is granted, the applicant shall be required to provide and/or promote use of alternate forms of transportation for both employees and guests.

F. Suggested Modifications to Section 25.35 Arch Beach Heights Specific Plan

Suggested Modification No. 10 (Implementation Plan)

Make the following change to Section 25.35.065 Lot Combinations

25.35.65(d) Special Findings Required

(d) Special Findings Required …

1) No change
2) No change
3) ***The proposed development will have no adverse impact on Environmentally Sensitive Areas (ESAs) including, but not limited to, high and very high value habitat.***

~~3)~~ 4) The proposed development, after the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on ***non-ESA*** high or very high value habitat.

4) ***5)*** No change

(e) no change

G. Suggested Modifications to Section 25.05 Administration

Suggested Modification No. 11 (Implementation Plan)

Section 25.05.030 Conditional Use Permits (D) Public Notice

Make changes (per City Ordinance 1334, approved by the Commission via LCPA 1-07B) to Section 25.05.030(D) so that it reads as follows:

(D) Public Notice. Public notice shall be mailed to the property owners within 300 feet of the subject property and shall be subject to the provisions of Section 25.05.065(B) and (C), except that the requirements for newspaper advertising shall not be required. For projects located in the Downtown Specific Plan area, the notice shall include all residents and/or tenants within 300 feet.

H. Suggested Modifications to Section 25.17 Second Residential Units

Suggested Modification No. 12 (Implementation Plan)

Make the following change to Section 25.17.040 Coastal Development Permits for Second Residential Units:

All of the provisions of Chapter 25.07 regarding the review and approval of Coastal Development Permits in relation to second residential units are applicable, except that a public hearing as required by Sections 25.07.012(D) and (E) shall not be required. ***Public notice shall be provided as required in Section 25.07.014 except that the requirements of Section 25.07.014(B)(5) and (6) shall be replaced with a statement that no local public hearing will be held and that written comments on the proposed development may be submitted.*** The Coastal Development Permit review criteria of Section 25.07.012(F)(1 through 9) shall be incorporated into the review of all second residential unit applications. Coastal Development Permit applications shall only be approved if the City's approving authority has reviewed the second residential unit development application and made the findings specified in Section 25.07.012(G0

Notwithstanding the local appeal provisions of Sections25.05.070 and 25.07.016(A) or Chapter 2.02, Coastal Development Permits for proposed second residential units that are defined as "appealable development" pursuant to Section 25.07.006(A) may be appealed to the Coastal Commission in accordance with the provisions of Section 25.07.014(B) without a discretionary appeal hearing by the City Council.

I. Suggested Modifications to Section 25.16 Artist Live/Work

Suggested Modification No. 13 (Implementation Plan)

Make the following change to Section 25.16.040 Minimum requirements for Artists' Joint Living and Working Units:

(A) Development Standards. The development … no change …
(1) Artists' Joint Living and Working Units are allowed in the following zones, subject to a Conditional Use Permit: M1-A Light Industrial, C-N Commercial-Neighborhood, ~~***C-1 Local Business,***~~ LBP Local Business Professional, Downtown Specific Plan – CBD-3 Canyon Commercial, CBD-Office, CBD Central Bluffs, R-2 Residential Medium Density and R-3 Residential High Density.
(2)
(b) At least thirty percent (30%) of the total square footage of the unit shall be allocated to working area in all zones except the ~~***C-1 and***~~ C-N zones, in which a minimum of fifty percent (50%) of the total square footage of the units shall be allocated to working area and the living area must be located above the ground floor.
(4) Parking shall be provided in accordance with residential parking standards as indicated in Chapter 25.52, except that covered parking requirements need not be met in the following zones: M1-A Light Industrial, C-N Commercial-Neighborhood, ~~***C-1 Local Business***~~, LBP Local Business Professional, Downtown Specific Plan – CBD-3 Canyon Commercial, CBD-Office and CBD Central Bluffs.

J. Suggested Modifications to Section 25.52 Parking Requirements

Suggested Modification No. 14 (Implementation Plan)

Make the following changes to the City's proposed revisions to Section 25.52.004 General Provisions:

25.52.004 General Provisions
(a) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required~~***., t***~~ ***T***hese requirements may be increased ~~***if it is determined that the parking standards are inadequate for a specific project,***~~ ***upon determination that the parking standards are inadequate for a specific project because that project requires an intense parking demand including, but not limited to, increased use of employees or operational standards. The submission of operational information of a proposed use, such as the number of employees or operational shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, including hotels, shall be submitted with all conditional use permit applications. These requirements may***

be~~or~~ decreased subject to the provisions of Section 25.52.006(h). The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.

(b) Location of Parking no change
(c) Accessibility and Usability. No change
(d) Parking Spaces for the Physically Handicapped no change
(e) Intensification of Use
(1) When a ***new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed, or a*** use is changed to a use which has a greater parking requirement ***~~or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses~~***, or when the floor area of an existing building is enlarged, then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations ***(up to the maximum allowed in Section 25.52.006(E)*** for the proposed use having a greater parking requirement, ***~~for the uses proposed in the presubdivided suite or building~~***, or for the entire building which is ***constructed, remodeled, reconstructed or*** enlarged less credit for the following:

(A) The actual number of parking spaces provided on-site, if any;

(B) The number of previously paid for in-lieu parking certificates for the subject premises, if any; and

(C) The number of parking spaces that would have been required by the parking regulations in effect in 1958 for the use currently existing on the property, if the building was built prior to that time, minus the actual number of parking spaces provided on-site if any.

(2) ***~~In a situation where~~ When*** an enlargement results in the creation of no more than ten percent additional square footage of floor area, not exceeding five hundred square feet, the required additional parking shall be provided for the enlarged area only.

(***~~3~~2***) When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

(4) In-lieu parking certificates, referenced above, are allowed only as described in Section 25.52.006(e) Special Parking Districts – In-Lieu Parking Certificates.

Suggested Modification No. 15 (Implementation Plan)

Revise the City's proposed new Section 25.52.006(g) Incentives within Section 25.52.006 Special Provisions as follows:

(g) Incentives. The city council may approve a conditional use permit, upon recommendation by the planning commission, to reduce the parking standards required under this chapter where ***the proposed use provides for and promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking; the reduced parking requirement will not adversely impact public access to beaches, parks, open spaces, and trails, and where*** one or more of the following conditions apply:

(1) The proposed use is a very low or low income, or disabled housing project;

(2) The proposed use is considered to be less intense than the previous use;

(3) ~~***The proposed use provides for or promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking;***~~

~~***(4)***~~ The proposed use is a sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.

Suggested Modification No. 16 (Implementation Plan)

Make the following changes to the City's proposed revisions to Subsection 25.52.012(e) [formerly (f)] Parking Spaces Required for Specific Uses contained within Section 25.52.012 Parking Spaces Required:

(f) Parking Spaces Required for Specific Uses. No structure or use shall be permitted or constructed unless off-street parking spaces, with adequate provisions for safe ingress and egress, are provided in accordance with the provisions of this chapter. ***The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.*** The following is a categorization of various types of uses and their associated parking requirements which may be increased by the Planning Commission or the Design Review Board if it is determined that the parking standards are inadequate for a specific project.

III. FINDINGS

The following findings support the Commission's denial of the proposed LCP amendment as submitted and approval if modified as suggested by staff. The Commission hereby finds and declares as follows:

A. Amendment Description

Proposed Local Coastal Program Amendment (LCPA) request No. 1-07C includes a change to the Land Use Plan (LUP) regarding Fuel Modification and includes clean-up and updates to the City's Implementation Plan (IP). The proposed change to the Land Use Plan affects only the Fuel Modification Program. The Fuel Modification Program is

contained in the City's Safety Element. Of the City's Safety Element, only the Fuel Modification Program is part of the certified LUP. The amendment proposes to replace the existing fuel modification section with a new fuel modification section (see exhibit 2, pages 3-7 for existing language and exhibit 2, pages 8-12 for proposed language). The City updated this section of its Safety Element shortly after hundreds of homes were lost in the 1993 firestorm.

Changes proposed to the fuel modification section include expanding the existing exhibit titled "Fuel Modification Zone Dimensions" such that each of the four fuel modification zones would newly include discussions on what should occur within each zone (percent of vegetation clearance, irrigation, etc.). In addition, the proposed amendment would expand the area of the fuel modification zones depicted on the exhibit. Currently, Zone A (nearest development) is 20 feet. That would be expanded to a "minimum of 20 feet" with no maximum distance established. Also, currently Zone D (furthest from development) ranges from 75 to 100 feet. That is proposed to be expanded to a range of 75 to 130 feet. The widths of Zones B and C are proposed to remain the same, both 50 -75 feet. In addition, the proposed amendment would add new language describing the use of goats as effective means of thinning vegetation for fuel modification.

The standard of review for amendments to a certified Land Use Plan is consistency with the policies of Chapter 3 of the Coastal Act.

Proposed Amendment request No. 1-07C includes various changes to the City's certified Implementation Plan, including changes to Title 25 Zoning, Title 21 Plats and Subdivisions, and, Chapter 12.08 Preservation of Heritage Trees, from Title 12 Trees and Vegetation (of Title 12, only Chapter 12.08 is part of the certified LCP). The City Ordinances included in LCPA 1-07C are Nos. 1271, 1282,1283, 1303, 1305, 1316, 1320, 1332, 1336, 1344, 1346, 1347, 1351, 1352, 1353, 1359, 1360, 1386, 1407, 1408, 1417, 1419, 1424, 1427, 1433, 1435, and 1436. No changes are proposed to the certified Land Use Plan Map or to the certified Zoning Map.

Over the course of approximately the last 15 years, numerous changes have been made to the City's IP at the local level, but were never forwarded to the Commission for action. Consequently, the City's version of their IP and the Commission's certified version of the City's IP are not congruous. Once this became apparent to City and Commission staff, the City prepared an LCP amendment to rectify the situation. The changes proposed are extensive, but not all raise issues with respect to conformity with the City's certified Land Use Plan. The standard of review for amendments to a certified Implementation Plan is consistency with and adequacy to carry out the policies of the certified Land Use Plan. Below is a more detailed description of the various changes proposed by the amendment.

Chapter 25.15 Residential/Hillside Protection Zone

Ordinance No. 1303 proposes changes to existing Chapter 25.15, R/HP Residential/Hillside Protection Zone and to Chapter 21.14 Exceptions of Title 21 Plats and Subdivisions. Title 21 is part of the City's certified Implementation Plan.

Major changes proposed to Section 25.15 Residential Hillside Protection Zone include replacing the existing formula to calculate average slope with a new slope determination method titled "Density Yield Method", new language to recognize danger from fire, slope failure and erosion, and difficulty of emergency evacuation as environmental constraints, and the addition of a new section which requires that specific findings be made prior to approval or conditional approval of any development in this zone. Also proposed is the addition of "special residential projects (such as senior or low-income)" to the list of uses permitted subject to approval of a conditional use permit. The changes proposed to Section 25.15 are contained in City Council Resolution No. 1303. Resolution 1303 also includes the changes to Chapter 21.14 of Title 21 Plats and Subdivisions, described below.

In addition, the existing cross reference to Title 21 Plats and Subdivisions, in the text of Section 25.15, is proposed to be modified to cross reference more specifically to the applicable section within that title, Section 21.14. Furthermore, the applicable section in Title 21 (21.14) is proposed to be modified. An existing use allowed within the Residential Hillside Protection zone is Planned Residential Developments, subject to the standards of Title 21, Section 21.14 Planned Residential Developments. The certified text calls this section "Exceptions". That title is proposed to be changed to the more accurate title "Planned Residential Developments", as Section 21.14 addresses exceptions that apply only with Planned Residential Development. The main changes proposed in this section include some changes to how the amount of private open space required is determined, limiting planned residential units to R-1 and RHP zones where they are currently allowed within all residential zones, an allowance for private streets within Planned Residential Developments, clarification of how the permanent upkeep and maintenance of open space and common facilities are to be accomplished, and a new section that establishes required findings that must be made prior to approval of any Planned Residential Development.

Ordinance 1303 also proposes to modify Section 25.08.028 by replacing the definition of Planned Residential Development in the Definitions section of the IP.

Ordinance 1303 also proposes to modify Section 25.10.006 by adding the requirement that Planned Residential Developments, which are currently subject to a Conditional Use Permit in the R-1 zone, be reviewed by the City Council after the Planning Commission has made a recommendation regarding the project. And also, additional language is proposed that would require that a subdivision proposal be processed in conjunction with the CUP application for the Planned Residential Development. None of these changes

affect whether a coastal development permit is also required; the type of development subject to coastal development permit requirements is identified in Section 25.07.004 as defined at 25.07.6(D).

Chapter 25.16 Artists' Joint Live/Work

Ordinance No. 1336 repeals the section 25.32.007 regarding Artists' Joint Living and Working Quarters (Chapter 25.32 is the M-1A Light Industrial zone), repeals Chapter 25.16 R-H Residential Hillside Zone, and creates new Section 25.16 Artists' Live/Work. The R-H zone is proposed to be repealed because it no longer applies anywhere in the City. In fact it was obsolete at the time the Implementation Plan was originally certified, but was inadvertently left in when the City's Zoning Code Title 25 was submitted for review as part of the Implementation Plan. Hillside areas that are designated for low intensity residential development are zoned Residential Hillside Protection. At the time the total LCP for the City was certified, the Residential Hillside Protection zone was recognized as the zone that would implement the land use designation Hillside Management Conservation. The Hillside Management Conservation designation is intended to "promote a balanced management program focusing on the preservation of open space lands and environmentally sensitive areas, while allowing for limited residential development." As described above, changes are proposed to the Residential Hillside Protection zone via Ordinance No. 1303. Because it does not apply anywhere in the City, no adverse impacts will result from the repeal of Section 25.16 Residential Hillside Zone.

The intent of the new Artists' Live/Work chapter in the IP is to provide affordable living in Laguna Beach for artists as an incentive to remain in Laguna Beach. The certified LCP currently allows Artists' Joint Living and Working Units in the following zones: Residential Medium Density R-2, Local Business Professional, M-1A Light Industrial, and within the Downtown Specific Plan area they are allowed in the Central Business District-Office district and in the Civic Art district. The proposed amendment would add the Artists' Joint Living and Working units as a use within the following zones: Residential High Density R-3, Local Business C-1, and within the Downtown Specific Plan area they are proposed to be added in the Central Business District-Canyon Commercial district and Central Bluffs district. Except in the residential zones, limited retail functions are proposed to be allowed. Changes are also proposed in each of the zones where this use is allowed, to make cross references to Section 25.16 for Artists' Live/Work units.

Arch Beach Heights Specific Plan: Section 25.35.65 Lot Combinations

Ordinance No. 1347 would create new Section 25.35.65 within the Arch Beach Heights Specific Plan (see exhibit 15). Section 25.35.65 is intended to establish a vacant lot combination procedure in the Arch Beach Heights Specific Plan Area. More specifically the intent is to establish review criteria for the combination of building sites with vacant, non-building sites in order to regulate potential development in areas of open space/sensitive habitat.

Chapter 25.52 Parking Requirements

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Many of the changes consist of clean-up and updates to make the chapter more current and more specific. The more significant parking changes proposed by this amendment include a new standard that the City will only require parking to be provided when a use is intensified, creating a new provision allowing parking reduction incentives for development proposals that meet certain conditions, deleting the provision that allows required parking to be provided off-site, and a new provision for allowing shared use parking under certain conditions.

Some of the changes within the individual ordinances have overlapped and been superseded over the course of years that this amendment covers. The final version of Chapter 25.52, after all the changes occurred, was reviewed for this LCP amendment. Changes proposed to Chapter 25.52 are contained in Ordinance Nos. 1282, 1305, 1306, 1326, 1333, 1354, 1361, 1373, and 1415. .

Ordinance No. 1282 adds new language that parking is only required when a use is intensified, and adds a new Section 25.52.006(H) Incentives, which allows for parking reductions for 1) low income and disabled housing, 2) a less intense use, and 3) when the proposed use promotes the use of alternative modes of transportation. This ordinance also proposes to modify the number of parking spaces required for certain allowed uses.

Ordinance No. 1282 also makes changes to Chapter 25.56 Non-Conforming Buildings, Lots and Uses. Changes to Chapter 25.56 proposed by Ordinance No. 1282 would result in encouraging elimination of non-conforming uses as soon as possible by limiting when a non-conforming use may be replaced by a different non-conforming use and by prohibiting the re-establishment of a non-conforming use after it is abandoned or ceases for twelve months. Other changes proposed to Chapter 25.56 proposed via Ordinance No. 1282 include deleting parking as a non-conforming use and transferring language regarding intensification of use and in-lieu parking certificates out of Chapter 25.56 and into Chapter 25.52. This ordinance also modifies Section 25.08 Definitions by adding a definition for “Intensification of Use”; modifying the existing definition for “Parking Space” by deleting the language that identified specific dimensions; and updating the definition for “Restaurant, take-out.”

Ordinance No. 1305 proposes to add to the list of incentive uses for which parking reductions would be allowed (proposed under Ordinance No. 1282 as new Section 25.52.006(h)) the use of “sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three (3) spaces.”

Ordinance No. 1306 proposes to modify the number of parking spaces required for certain allowed uses. Most of the changes in the ratio of parking demand generated to parking spaces required are minor in nature and reflect an updating effort to clarify language, appropriate approval authority or an update of the standard. The most significant of the changes is to the general retail uses where the standard has been lowered from one space per every 225 square feet to one space per every 250 square feet. The City proposed this change because it is a typical standard used in Orange County and solves parking issues raised when an office use is proposed to convert to a retail use. The proposed change would make the two parking ratios the same. As retail is a higher priority use than office, and the change would facilitate the conversion from office to retail, this change is acceptable.

Ordinance No. 1326 would prohibit the use of mechanical parking lifts to provide tandem parking; however this ordinance was later superseded.

Ordinance No. 1333 proposes to modify the required parking for bakeries, ice cream stores, juice bars and delicatessens with counter service only from a retail category (1 parking space/250 feet of gross floor area) back into the restaurant or food service category for determining required parking (1 parking space/100 square feet of gross floor area). The City proposes this change to address the circumstance created when food service uses such as bakeries, ice cream stores and delicatessens that began operation with only counter service, began adding tables and chairs, thereby creating greater parking demand.

Ordinance No. 1354 amends Chapter 25.08 Definitions by adding a definition for bedroom and amends Chapter 25.52 Parking Requirements by changing the parking required for single family dwellings to be based on overall square footage rather than number of bedrooms, and to limit tandem spaces for residential development to single family dwellings only. Ordinance No. 1361 increased the distance between the use and the off-site parking spaces from 300 to 600 feet. The allowance for off-site parking, however, was later eliminated entirely. Ordinance No. 1373 establishes minimum size requirements for garage doors. Ordinance No. 1415 repealed the section allowing off-site parking, eliminated compact sized parking spaces and required all parking spaces to be standard size.

Chapter 25.22 Bed & Breakfast Inns

The amendment proposes to add new Section 25.22 Bed and Breakfast Inns. In addition, the definitions section is proposed to be modified by adding a definition for Bed and Breakfast Inn at proposed new section 25.08.004. The proposed amendment would also make changes by inserting a reference to the new Bed and Breakfast Inn Chapter 25.22 in the “Uses Permitted Subject to Conditional Use Permit” section of the zones where Bed and Breakfast Inns are allowed: Residential Medium Density (R-2) Zone, Residential High

Density (R-3) Zone, and the Local Business/Professional (LB/P) Zone. And, the proposed amendment would modify Chapter 25.52 Parking Requirements by modifying Section 25.52(f) which specifies the number of off-street parking spaces required for Bed and Breakfast Inns. The changes proposed are contained in City Council Resolution No. 1346.

Currently Bed and Breakfast Inns are allowed only in E-rated historic structures in the R-2, R-3, and LB/P zones. Chapter 25.45 Historic Preservation categorizes historic structures into three categories: "E" Exceptional, "K" Key, and "C" Contributive. The proposed ordinance would allow Bed and Breakfast Inns in all historic structures (rather than only in E-rated historic structures) in those same zones.

The standards for Bed and Breakfast Inns are currently contained in Chapter 25.12 Residential Medium Density (R-2) Zone at 25.12.006(I), even though the use is also allowed in Residential High Density (R-3) and Local Business/Professional (LB/P) zones. The proposed amendment would delete the existing Bed and Breakfast Inn standards in 25.12.006(I) and create new Chapter 25.22 Bed and Breakfast Inns to provide the standards for Bed and Breakfast Inns. A cross reference back to Chapter 25.22 is proposed to replace the previous cross reference to the B & B standards in the R-2 zone at 25.12.006(I) in the R-3 and LB/P zones.

Finally, the amendment proposes to modify the parking requirement for Bed and Breakfast Inns at Section 25.52.012(f). The proposed parking requirement is two covered spaces per residence plus one parking space for each guest unit. The currently certified parking requirement for Bed and Breakfast Inns is the number of spaces required for the primary use plus one for each room available for rent.

Chapter 25.55 Telecommunication Facilities

The amendment proposes to add new Chapter 25.55 Telecommunication Facilities to the certified Implementation Plan. Currently the certified Local Coastal Program contains no zoning standards for telecommunications facilities as the technology for such facilities was not in common use when the LCP was certified in the early 1990s. Chapter 25.55 Telecommunications Facilities is contained in Ordinance No. 1320 and 1386.

Chapter 25.23 Short Term Lodging

Ordinance No. 1353 would add new Chapter 25.23 Short-Term Lodging. Short term lodging opportunities are important in the coastal zone as they provide a source for visitor serving overnight accommodations. So it is important that an LCP amendment that introduces standards for short term lodging not result in a disincentive to provide such use or to prohibit the use entirely. The proposed amendment does not propose to eliminate short term lodging opportunities in the City, but rather to establish regulations governing short term rental of lodgings. Short term is defined in the proposed section as 30 days or less. The intent of this ordinance is to provide oversight of the use in order to assure it is

implemented in a fair and consistent manner. The City's goal in proposing this section is to continue to allow this use, while also allowing the City a means of effectively dealing with potential issues that may be raised in conjunction with the use. In addition, it will afford the City a mechanism by which to require a Transient Occupancy Registration Certificate, and thus collect room tax on the use. Proposed Section 25.23.030 identifies the zones in which the use will be allowed and prohibits the use in all other zones. The use is proposed to be allowed in the following zones: Residential Low Density R-1, Residential Medium Density R-2, Residential High Density R-3, Local Business/Professional LB/P, Commercial Neighborhood C-N, Local Business C-1, Commercial Hotel-Motel CH-M, and Village Community V-C. Thus, the use would be prohibited in zones such as the industrial, open space, and residential hillside protection type zones. The Local Business C-1 zone is the zone that implements the land use designation Commercial/Tourist Corridor. The zones in which the use is proposed to be allowed cover much of the City and will provide substantial opportunities to implement the use. In addition, the location of the areas that carry these zone designations are appropriate as these areas include the land near the ocean and other visitor amenities in the City. Approval of this use in the Residential Low Density R-1 zone is subject to a conditional use permit. In all other zones an administrative use permit is required.

Drive-In/Take Out Restaurants

Ordinance No. 1359 would prohibit drive-in restaurants in the LBP (Local Business Professional) and C-N (Commercial Neighborhood) zones and would require a conditional use permit for drive-in restaurants in the C-1 zone. The ordinance would also require a conditional use permit for take-out restaurants in the C-N and C-1 zones as is already required in the LBP zone. The C-1 zone implements the land use designation Commercial/Tourist Corridor which is the visitor serving land use designation. The proposed changes will not prohibit drive through and take out restaurants in the C-1 zone, but would subject a take-out or drive-in restaurant proposal to greater scrutiny by newly requiring a conditional use permit where currently restaurants of any type are permitted outright. Full-service restaurants and cafes are still permitted outright in the C-1 zone. The Ordinance proposes changes to Sections 25.18.004, 25.19.002, 25.19.006, 25.20.004, and 25.20.006.

Direct Vehicular Access Required

Ordinance No. 1417 proposes to modify Chapter 25.53 Access and Improvement Requirements by adding new subsection (D) to Section 25.53.004 Vehicular access, which clarifies that direct access is required to be provided when new building sites are created. The ordinance also modifies Title 21 Plats and Subdivisions, Chapter 21.12 Standards of Design, by adding new section 21.12.440 which also clarifies that new building sites must be provided with direct access. The intent of this ordinance is to clarify that a lot must be accessible via direct street access in order to comply with the City's standards related to the establishment of new building sites.

This requirement is already part of the certified LCP. Section 25.08.004 provides the definition for "building site". This section states that, among other things, a building site must abut, and have the right to the use of, 1) a street improved to the subdivision street design standards of the city, or, 2) a usable vehicular right-of-way of record, or, 3) a street that does not meet the minimum standards but has been approved by means of a variance, or, 4) a street of less than standard width as specifically approved for access by the City.

The intent of this ordinance is not to newly introduce this requirement, but to clarify the existing standard.

Chapter 25.17 Second Residential Units

The amendment proposes to modify Chapter 25.17 Second Residential Units in order to make this section consistent with Assembly Bill 1866, which became effective in 2002. AB 1866 changes the procedure for local government review of proposed second units, commonly called "in-law units" or "granny flats." AB 1866 requires local governments to consider applications for second residential units "ministerially without discretionary review or a hearing." AB 1866 also provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act … except that the local government shall not be required to hold public hearings for coastal development permit applications for second units. So, although the local government may no longer hold public hearings on applications for second units (including coastal development permit applications for second units), the City's approval of a coastal development permit for a second unit, if it is an appealable coastal development permit, may still be appealed to the Coastal Commission. In addition, the City must provide public notice when a coastal development permit application for a second residential unit is filed, and, members of the public must be given an opportunity to submit written comments regarding the proposed development. When a second residential unit application is appealable, local governments must still file a final local action notice to the Coastal Commission. Moreover, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act, remain applicable to second residential units. Thus, a local government may not issue a coastal development permit for a second unit without first finding that the proposed unit is consistent with the certified LCP and/or the applicable policies of Chapter 3 of the Coastal Act.

The proposed amendment would add new Section 25.17.040 Coastal Development Permits for Second Residential Units. This new section states that all the provisions of Chapter 25.07 Coastal Development Permits regarding review and approval of Coastal Development Permits in relation to second residential units are applicable, except that a public hearing is not required.

Chapter 25.38 Flood Damage Prevention

Ordinance No. 1316 proposes to modify Chapter 25.38 Flood Damage Prevention of the certified IP by lowering the threshold for when flood protection measures can be required for projects within special flood hazard areas of the Downtown Specific Plan. Currently, only projects that are valued at 50% or more of the project's market value are required to install upgraded flood protection features. The proposed change would require the upgrade for projects that are valued at less than 50% of the project's market value but more that $5,000. Flood protection upgrades will be required in such cases of at least 5% of the total remodeling cost. Flood protection upgrades will also be required for non-conforming structures that are otherwise allowed to be restored after natural disaster. Specifically, the ordinance proposes to make these changes by adding Section 25.38.060 (8a), a definition for Contingency Floodproofing Measures; adding new Section 25.38.095 Nonconforming Structures; and adding Section 25.38.175 Standards for Downtown Specific Plan Area.

Ordinance No. 1435 further modifies Chapter 25.38 Flood Damage Prevention, by modifying Section 25.38.080 to reference more recent FEMA studies and FIRM maps regarding special flood hazard and mudslide hazard areas. This section identifies the minimum area where the flood damage prevention standards apply.

The changes proposed by Ordinance Nos. 1316 and 1435 result in increased flood protection within the City. The proposed changes are consistent with the City's Natural Hazards policies, particularly with policy 10-D which states: "Reevaluate existing flood plain management regulations to ensure the potential for damage from debris is reduced." And with policy 10-F which states: "To minimize risk to life and structures, new development located in established floodprone lands shall incorporate all appropriate measures pursuant to the City's "Flood Damage Prevention and Prohibition Ordinance."

Chapter 25.54 Sign Regulations

The existing, certified Implementation Plan includes Chapter 25.54 Sign Regulations. The proposed amendment includes a number of updates and revisions to the current Sign Regulations. The changes proposed to Chapter 25.54 are contained in City Council Ordinance Nos. 1332, 1408, 1424, and 1436. The intent of Chapter 25.54 (with the proposed revisions) is to, among other things, implement community design criteria, preserve and enhance the community's appearance, and promote the artistic village character of the community, encourage creative, artistic, well designed signs, while also recognizing that many businesses in Laguna Beach are small, non-franchise establishments that depend on their sign's clear communication to draw customers. The Sign Regulations Chapter also provides a review and approval process for signs. Changes proposed under this amendment include: revising and updating the definitions section (25.54.006); clarifying procedures for processing applications for sign permits;

revising and updating the standards for non-conforming signs; and, adding new standards (25.54.026) specific to signs related to Arts Organizations. The proposed amendment would also expand the list of signs that are prohibited to add bill boards, roof signs, pole signs, and private incidental signs located within a public right of way. Any public notice or warning signs required by valid and applicable federal, state, or local law, regulation or ordinance will remain exempt from the need to obtain a sign permit (per Section 25.54.014(A)).

Industrial Zones

Ordinance No. 1433 proposes to delete Chapter 25.30 M-1 Industrial Zone in its entirety, and to amend Chapter 25.32 M-1A Light Industrial Zone, and to amend the M-1B Light Industrial Zone of the Laguna Canyon Annexation Area Specific Plan. The proposed changes would result in the following: 1) allow "artist studios" as permitted uses in the M-1A Zone; 2) clarify the definition of "auto repair" and require a Conditional Use Permit for an auto repair that is not entirely within a building in the M-A Zone; 3) require Conditional Use Permits for all outdoor uses in the M-1B Zone; and 4) clean-up items such as removing obsolete uses (i.e. freight yard and tire recapping) from the list of allowed uses. The intent of the changes proposed in this ordinance is to remove the M-1 zone because all land formerly zoned M-1 had been rezoned previously; and to make modifications that will clean-up outdated uses and enhance land use compatibility. All land that had been zoned M – 1 Industrial had been rezoned by the City prior to certification of the LCP. However, Chapter 25.30 M – 1 Industrial was inadvertently left in Title 25 when the City submitted it for certification as part of its Implementation Plan. The current amendment proposes to delete it because it no longer applies to any land within the City.

Title 21 Section 21.08.130(g) Fee Paid In Lieu of Land Dedication

Ordinance No. 1352 would modify Title 21 Plats and Subdivisions, Section 21.08.130(g) which describes how the amount of a fee paid in lieu of land dedication for new subdivisions is calculated. The payment of a fee in lieu of land dedication is currently allowed in the certified LCP. The proposed change is only to the method of calculating the fee. The proposed change is intended to update the calculation method to more accurately reflect the value of parkland, so that a fee that more accurately reflects the actual cost of providing the parkland may be imposed during the subdivision review process. Currently the fee is based on "fair market value of the amount of land which would otherwise be required to be dedicated." Existing language also states "fair market value shall be determined at the time of filing the final map or parcel map." The proposed language establishes a much more detailed procedure to determine the amount of the fee, including consideration of the average sales price per acre of vacant residentially zoned property sold within the thirty-six month period immediately preceding the date of the City Council review of the final map.

Chapter 21.08 Subdivisions

Ordinance No. 1419 proposes to modify Title 21 Plats and Subdivisions, Chapter 21.08 Subdivisions by adding new section 21.08.220. The proposed new section establishes a formal approval and acceptance process by the City Council for improvements that are required for new subdivisions. The intent of this new section is to ensure that the improvements required in conjunction with approval of a subdivision are completed in compliance with City requirements and in a timely manner.

Chapter 25.50 General Yard and Open Space: Fences and Walls

Ordinance No. 1271 proposes changes to Chapter 25.50 General Yard and Open Space, in particular to Section 25.50.012 Fences and Walls. Ordinance No. 1271 would add a requirement for fences around pools, would allow decorative features to exceed the maximum fence height by 12 inches subject to design review approval, adds the requirement that if a fence is constructed in the rear or side yard it may not project into the front yard, allows pedestrian entry features to exceed the fence height limit up to total height of eight feet and total width of six feet.

Ordinance No. 1283 also proposes to modify Section 25.50 General Yard and Open Space, in particular Sections 25.50.008 Projections Into Required Yards, to allow green house and bay windows to project 18 inches into front, rear, and side yard area.

Ordinance No. 1271 also proposes a change to section 25.05.030 (D) which would make changes to the Public Notice Section of Section 25.05 regarding the processing of local City permits other than coastal development permits. However, the change proposed to Section 25.05.030(D) under Ordinance No. 1271 was subsequently superseded by Ordinance No. 1334. That ordinance was included in LPCA 1-07B. The language approved by the Commission under LCPA 1-07B for Section 25.05.030(D) raises no issue with regard to consistency with the certified LUP and also reflects the City's most recently approved language. Because the Commission is acting on changes contained in Ordinance No. 1271 after approving Ordinance No. 1334, unless a modification is suggested, the now outdated language reflected in Ordinance No. 1271 (regarding only Section 25.05.030(D)) would become final. In order to have the IP reflect the most recent language adopted by the City and Commission, a modification is suggested so that the City's current language for Section 25.05.030(D) as reflected in Ordinance No. 1334 (not in the language in Ordinance No. 1271 [for Section 25.50030(D) only]) remains the language in the final certified IP.

Lot Coverage Standard for Single Family Dwelling in R-2 Zone

Ordinance No. 1360 would amend Chapter 25.12 Residential Medium Density R-2 by adding Section 25.12.008(C)(9) which establishes standards for allowable lot coverage

and rear yard setbacks applicable to single-family dwellings located in the R-2 Zoning district. Section 25.12.008 provides the property development standards for this zone. Single family dwellings are currently allowed within the R-2 zone. The intent of this ordinance is to assure that single family dwellings in the R-2 zone are not allowed greater lot coverage than is allowed for a two unit structure.

Chapter 12.08 Preservation of Heritage Trees

Ordinance No. 1344 amends Municipal Code Chapter 12.08 Preservation of Heritage Trees, from Title 12 Trees and Vegetation. Of Title 12, only Chapter 12.08 is part of the certified Implementation Plan. The intent and purpose of Chapter 12.08 is "to preserve distinctive trees in the City of Laguna Beach, which because of their size, age and/or special features promote the beauty, character and/or sense of history in the City. It is also the intent of this Chapter to establish regulations for the preservation of heritage trees within the City, and to encourage property owners to retain, maintain and preserve the aesthetic character and health and safety of heritage trees." The intent of the proposed changes is to clarify the permit process for trimming or removal of Heritage Trees, to revise the eligibility criteria for placing a tree on the list, and to provide incentives to encourage the placement of distinctive trees in the City on the Heritage Tree list.

Chapter 25.94 Transportation Demand Management Ordinance

Ordinance No. 1407 would modify Section 25.94.008 of the City's Transportation Demand Management Ordinance (Chapter 25.94 is part of the certified IP). Section 25.94.008 describes when Chapter 25.94 applies. Currently it would apply to all new development projects that are estimated to employ a total of 100 or more persons. The proposed modification would make the chapter apply to all new development projects that are estimated to employ a total of 250 or more persons. This change is proposed by the City to comply with current State air quality regulations. The City must comply with these regulations in order to utilize Measure M funding for necessary street improvements.

Chapter 25.85 Library Impact Fee

Ordinance No. 1351 would create new Chapter 25.85 Library Impact Fee. New Section 25.85 would impose a library impact fee with construction of new residential units. The intent of the fee is to mitigate library impacts that result from the increased City population due to construction of new residential units. The proposed new Chapter is appropriately located within the City's zoning code, Title 25. Because the City's zoning code is also a big part of the City's certified IP, some Chapters that are not necessarily coastal related also appear. However, the inclusion of the proposed Chapter 25.85 raises no issue with regard to consistency with the certified Land Use Plan.

B. Findings for Denial of Land Use Plan Amendment 1-07C as Submitted

The proposed change to the Land Use Plan affects only the Fuel Modifications Program contained in the City's Safety Element. Of the City's Safety Element, only the Fuel Modifications Program is part the certified LUP. The amendment proposes to replace the existing fuel modifications section with a new fuel modifications section (see exhibit 2, pages 3-7 for existing language and exhibit 2, pages 8-12 for proposed language). The certified LUP does address fuel modification plans in sections other than the Safety Element. These include the following Open Space/Conservation Element policies: Policy 7-G which requires that fuel modification plans minimize impacts to visual resources; Policies 8-F, 8-G, and 8-H which encourage avoiding fuel modification impacts to sensitive habitat; and Policy 10-G which states that, where appropriate, fuel modification plans shall be included within the boundary of the developed land use zone. No changes are proposed to any LUP fuel modification policies other than those within the Safety Element.

The Safety Element Fuel Modifications Program was approved by the City in 1989 and included in the original LCP submittal in the early 1990s. The intent of the proposed amendment is to update the existing fuel modification section. For example, the existing section includes an exhibit titled "Fuel Modification Zone Dimensions," which identifies widths for each of four fuel modification zones on diagrams contained in the exhibit. The proposed fuel modifications section retains this exhibit, but adds a discussion of what is expected to occur within each of the zones (i.e. amount of vegetation clearance, irrigation etc). In addition, the proposed amendment would expand the area of the fuel modification zones depicted on the exhibit. Currently, Zone A (nearest development) is 20 feet. That would be expanded to a "minimum of 20 feet". Also, currently Zone D (furthest from development) ranges from 75 to 100 feet. That is proposed to be expanded to a range of 75 to 130 feet. The amendment further proposes to add new language describing the use of goats as an effective means of thinning vegetation for fuel modification.

Both the existing and proposed fuel modification language includes discussion on the importance of balancing fire safety needs with the need to preserve sensitive habitat. The certified fuel modification program states: "The minimum amount of native vegetation shall be selectively thinned to control the heat and intensity of wildland fires as they approach a residential area while preserving to the maximum extent feasible the quality of the natural areas surrounding the site." The proposed fuel modification program states: "The canyon and hillside areas classified as high hazard areas often contain sensitive native vegetation, including endangered, rare and locally important plants and animal habitat. Consequently, fuel modification programs must include measures to balance fire safety and protection of sensitive plant species and habitat for rare, threatened or endangered wildlife species."

Section 30240 of the Coastal Act states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Much of the City's undeveloped canyon and hillside areas contain sensitive habitat and environmentally sensitive areas (ESAs). Fuel modification vegetation clearance would occur at the interface of developed areas and the large undeveloped hillside and canyon areas that contain sensitive resources (See exhibit 32). The City's proposal to use goats for fuel modification vegetation removal would not protect these sensitive resource areas. Section 30240 of the Coastal Act, however, requires that these areas be protected.

When goats graze, they eat all available vegetation down to the nubs. The proposed fuel modification program does not include any provisions for how the goat grazing would be monitored to assure that some vegetation remains and that vegetation that constitutes ESA would be preserved. The proposed fuel modification program suggests that in Zone D of the fuel modification area (furthest from development) no more than 30% of vegetation be removed with most removal occurring nearer development, to zero removal at the outward extent of the zone. Similar standards apply in Zone C with a maximum of 50% vegetation removal, and more of the removal to occur closer to Zone B than Zone D. (Zones A and B, closest to development, do not require graduated vegetation removal.) Goats are not capable of discerning the degrees of vegetation removal necessary to meet the standards contained in the City's proposed fuel modification language. Unmonitored goat grazing would remove all vegetation regardless of sensitivity and regardless of graduated standards for removal. The proposed language that describes the use of goats for vegetation removal does not provide any standards for oversight of the goats to assure that only the minimum vegetation removal necessary for fire protection is implemented. In addition, the City's certified Implementation Plan does not contain any fuel modifications regulations either that could be applied to assure that the use of goats would not result in complete vegetation removal.

The City has indicated that they distinguish between fuel modification areas and fire breaks. According to the City, fuel modification involves graduated areas of vegetation thinning within the designated zone, whereas fuel breaks involve complete vegetation removal within the break. According to the City, fuel modification is applied to new development proposals, whereas fuel breaks apply to existing development. The City asserts that the goats would be used only in the fuel break areas and not within fuel

modification zones. However, there is no such distinction contained within the proposed amendment. Moreover, it is not at all evident that even limiting the use of goats only to fuel breaks rather than fuel modification areas would adequately protect sensitive habitat areas. Thus, sensitive vegetation, particularly environmentally sensitive habitat area, would not be protected against any significant disruption of habitat values. Therefore, as proposed, the amendment is not consistent with Section 30240 of the Coastal Act and must be denied.

In addition, the Fuel Modification Program as proposed by the City does not distinguish between fuel modification required for existing development or development on existing legal lots versus fuel modification applicable to new development such as division of land. The Commission acknowledges the need to recognize the constraints presented with existing development along the urban/wildland interface and accordingly recognizes that, in some cases, greater vegetation removal may be necessary to protect existing development from fire hazard. However, the Commission cannot find that fuel modification within environmentally sensitive areas required to protect future development which is otherwise avoidable when siting and designing future development would be consistent with Section 30240 which prohibits disruption of environmentally sensitive habitat areas and allows only uses dependent on the resource. Even if future lots are not proposed within ESA, approval of the new lots may require subsequent removal of sensitive vegetation for required fuel modification once development of the lots occurs. Such removal can be avoided by considering fuel modification at the time the division of land is reviewed and by containing the allowable development footprint, including required fuel modification, outside environmentally sensitive areas.

The new development should be sited a sufficient distance from the vegetation to prevent future fire hazard as well as to protect the adjacent habitat value on the open space/environmentally sensitive habitat area. Removal of vegetative cover and thinning of remaining vegetation provides limited habitat value. Within or adjacent to the City's public open space and parklands, creations of new subdivisions or other division of land that would require removal of sensitive native vegetation would not be consistent with Section 30240 of the Costal Act. On such properties, division of land should only be allowed if all fuel modification vegetation removal can be accommodated without impact to ESA and within the private property boundary. There is no compromise to fire protection with this approach; it just requires that the requisite fuel modification measures be accounted for when considering the allowable future development footprint.

The LUP amendment as proposed does not include a distinction between fuel modification necessary to protect existing development, and impacts due to the creation of new development, such as division of land. As is stated in both the existing and proposed language, the City's undeveloped hillsides contain natural vegetation and ESA. Impacts to ESA, whether on private or public land, must be avoided. Publicly owned open spaces and parks in the hillsides of Laguna Beach contain ESA, buffers for ESA, and include opportunities for habitat enhancement and restoration. Fuel modification and

fuel breaks within these publicly owned areas result in impacts to sensitive habitat and constrain opportunities for habitat enhancement and restoration. Therefore, special provisions must be in place to protect these areas, in particular (see exhibit 32).

In the case of new subdivisions, or other division of land, fuel modification and fire breaks within publicly owned open spaces and parks to protect new development within the resultant lots must be avoided. Where there is existing development adjacent to public open spaces and park lands, measures should be taken to avoid fuel modification or fuel breaks on public land to protect the private development, if feasible. If avoiding such impacts on public land to protect existing development isn't feasible, measures should be taken to minimize those impacts on public lands. However, the proposed LUP amendment does not contain such provisions.

Therefore, as described above, because the proposed LUP amendment would allow the unrestricted use of goats for fuel modification vegetation clearance, and does not limit new division of land to preserve natural vegetation and ESA areas, and special protections are not in place for public lands, the proposed amendment cannot be found to be consistent with Section 30240 of the Coastal Act and therefore must be denied.

C. Findings for Approval of Land Use Plan Amendment 1-07C if Modified

The findings for denial of the Land Use Plan amendment as submitted are hereby incorporated as if fully set forth herein.

As described in greater detail above, the proposed Fuel Modification Program would newly introduce the use of goats for vegetation removal. Unmonitored goat grazing would remove all vegetation regardless of sensitivity and regardless of graduated standards for removal. The proposed language that describes the use of goats for vegetation removal does not provide any standards for oversight of the goats to assure that only the minimum vegetation removal necessary for fire protection is implemented. The City's certified Implementation Plan also does not contain any fuel modifications regulations that could be applied to assure that the use of goats would not result in complete vegetation removal. Therefore, as proposed the amendment is inconsistent with Section 30240 of the Coastal Act and must be denied. However, if the amendment were modified to remove the language referring to goat grazing as a means of implementing fuel modification vegetation removal, the proposed amendment would be consistent with the Chapter 3 policies of the Coastal Act, including Section 30240 and protection of environmentally sensitive habitat areas with regard to goat grazing. Therefore, only if modified as suggested is the proposed amendment consistent with the Chapter 3 policies of the Coastal Act.

In addition, if the proposed Fuel Modification Program were modified to prohibit new division of land which would require fuel modification vegetation removal in ESA or in publicly owned open spaces and parks to protect new development within the resultant

lots, adverse impacts to ESA would be avoided and adverse impacts to natural vegetation would be minimized. In addition, the Fuel Modification Program must include changes to address avoiding or minimizing fuel modification or fire breaks on public lands to protect existing development. Therefore, the Commission finds that only if modified as suggested is the proposed amendment consistent with Section 30240 of the Coastal Act.

Although the Commission can find the amendment consistent with Chapter 3 policies of the Coastal Act, some issues will remain unresolved that the City must address in future LCP submittals to the Commission. For instance, the City has indicated it makes a distinction between "fuel modification" and "fuel breaks" in that fuel modification plans are employed when considering new development proposals, whereas fuel breaks are employed to protect existing development. Although unclear, the City may be making this distinction to clarify that different methods of implementing vegetation thinning or clearance are used with each case. However, there is no such distinction made in the LCP at this time. The discussion in the Safety Element intertwines fuel modification and fuel breaks. Furthermore, there is no specific information provided in the LCP about fuel breaks. For example, the City hasn't 1) identified criteria for the establishment of fuel breaks; 2) mapped the specific location of fuel breaks throughout the City; or 3) identified measures to minimize impacts that fuel breaks have on coastal resources while achieving effective hazard reduction. While the Commission is recognizing that fuel breaks can be useful to address fire hazards, the Commission's approval, with modification, of the revised Safety Element does not mean the Commission has endorsed any specific portion of the City's fuel break program. A comprehensive plan to address fire hazards for existing development that includes land use plan and implementation plan components is still necessary.

D. Findings for Denial of Implementation Plan Amendment 1-07C as Submitted

The standard of review for amendments to the Implementation Plan of a certified LCP is whether the Implementation Plan, as amended by the proposed amendment, will be in conformance with and adequate to carry out, the policies of the certified Land Use Plan (LUP).

Below are the relevant LUP policies:

The City's certified Land Use Plan (LUP) includes the City's Land Use Element (LUE), the Open Space/Conservation Element (OS/C Element), and the Coastal Land Use Plan Technical Appendix. Following are the applicable policies from the certified LUP:

Land Use Element

Hazard Planning

3-A Ensure adequate consideration of environmental hazards in the development review process.

Urban Design

11-C Encourage pedestrian access and orientation in the Central Business District.

Open Space/Conservation Element

Parks

5-B Support the recreational use and development of surrounding open space lands, where environmentally feasible, to relieve demand for parklands within the City. Encourage preservation of Laguna Greenbelt in the natural state, with recreational access limited to passive activities such as nature trails and wildlife observation areas.

Visual Resources

7-A Preserve to the maximum extent feasible the quality of the public views from the hillsides and along the city's shoreline.

Vegetation and Wildlife Resources

8-A Preserve the canyon wilderness throughout the city for its multiple benefits to the community, protecting critical areas adjacent to canyon wilderness, particularly stream beds whose loss would destroy valuable resources.

8-C Identify and maintain wildlife habitat areas in their natural state as necessary for the preservation of species.

8-E Protect the remaining stands of native Coastal Live Oak (Quercus Agrifolis) and Western Sycamore (Platanus Racemosa) located in upper Laguna and El Toro Canyons, and in Top of the World Park as a unique and irreplaceable resource.

8-H When subdivision or fuel modification proposals are situated in areas designated as "very high value habitats" on the Biological Values Map and where these are confirmed by subsequent on-site assessment, require that these habitats be preserved and, when appropriate, that mitigation measures be enacted for immediately adjacent areas.

8-I Environmentally Sensitive Areas (ESAs) as defined in Section 30107.5 of the California Coastal Act shall be identified and mapped on a Coastal ESA Map. The

following areas shall be designated as Environmentally Sensitive Areas: Those areas shown on the Biological Resource Values Map in the Open Space/Conservation Element as "Very High" habitat value, and streams on the Major Watersheds and Drainage Courses Map which are also streams as identified on the USGS 7.5 Quadrangle Series and any other areas which contain environmentally sensitive habitat resources as identified through an on-site biological assessment process, including areas of "High" and "Moderate" habitat value on the Biological Resources Values Map and areas which meet the definition of ESAs in Section 30107.5 of the Coastal Act, including streams, riparian habitats, and areas of open coastal waters, including tidepools, areas of special biological significance, habitats of rare or endangered species, near-shore reefs and rocky intertidal areas and kelp beds.

8-K As a condition of new development in South Laguna, require the identification of environmentally sensitive areas, including chaparral and coastal sage scrub. Intrusion into these areas for wildlands fuel modification programs should not be permitted.

8-L Preserve and protect fish and/or wildlife species for future generations.

8-M Preserve a continuous open space corridor within the hillsides in order to maintain animal migration opportunities.

8-N Encourage the preservation of existing drought-resistant, native vegetation and encourage the use of such vegetation in landscape plans.

Natural Hazards

10-G Fuel modification plans, where appropriate shall be included within the boundary of the developed land use zone.

10-E Development in the areas designated "Hillside Management/Conservation" on the Land Use Plan Map or within potential geologic hazard areas identified on the Geological Conditions Map of the Open Space/Conservation Element shall not be permitted unless a comprehensive geological soils report is prepared pursuant to Title 22 of the City's Municipal Code, and adequate mitigation measures have been approved and implemented by the City's geologist. [in pertinent part]

Hillside Slopes

14-A Require hillside development be concentrated on slopes of 30% or less.

14-B Prohibit hillside development on slopes of 45% or greater.

14-D Encourage driveway access to new building sites to be 10% or less in grade.

14-E Require all development on slopes of 30% or greater to be reviewed and approved by the Design Review Board.

14-F Require grading projects to minimize earth-moving operations and encourage preservation of the natural topographic land features.

14-H Encourage inaccessible hillside property to be dedicated to the city as permanent open space.

14-I Discourage new roads or extensions of existing roads into currently inaccessible areas.

14-J As a condition of approval of any new development in the "Hillside Management/Conservation" designation, the offer of permanent open space easement over that portion of the property not used for physical development or service shall be required to promote the long-term preservation of these lands. Only consistent open space uses shall be allowed by the easements. Except for passive recreation, trails or trail-related rest areas, development shall not be allowed in this easement area. The offer of easement shall be in a form and content approved by the City and shall be recorded and run with the land, and shall be irrevocable for 21 years from recordation. The creation of homeowner's or other organizations, and/or the preparation of open space management plans may be required by the City to provide for the proper utilization of open space lands.

The **Coastal Land Use Plan Technical Appendix** incorporates the following Coastal Act policies regarding visitor serving uses:

Section 30213 (Part)

> *Lower cost visitor and recreational facilities … shall be protected, encouraged and where feasible provided. Developments which provide public recreational opportunities are preferred.*

Section 30222

> *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30210

> *In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and*

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252 (in part)

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service . . . (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

New development shall minimize energy consumption and vehicle miles traveled.

1. Chapter 25.15 Residential Hillside Protection Zone

The Residential Hillside Protection Zone is the zone that was recognized by the Commission in originally certifying the LCP as the zone that would implement the Hillside Management Conservation land use designation. Regarding the Hillside Management Conservation land use designation, the LUP states: "This category is intended to promote a balanced management program, focusing on the preservation of open space lands and environmentally sensitive areas while allowing limited residential development." The LUP further states, regarding the Hillside Management Conservation land use designation:

> "The actual preservation of open space lands and protection of environmentally sensitive areas is therefore established through the development review process which combines the assessment of specific physical constraints with the application of natural resource protection policies and ordinance requirements. This procedure enables the City to regulate the location and density of hillside development while protecting environmentally sensitive areas and open space lands in accordance with general plan policies and local ordinance requirements."

The intent and purpose of the Residential Hillside Protection (RHP) Zone, as stated in Section 25.15.002 (as it is currently certified) is "to allow for low-intensity, residential development while promoting the design criteria set forth in Section 25.15.004. All new development in this Zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats. Protection of the physical environment, public views and aesthetic qualities associated with undeveloped lands is of critical concern in this Zone." This zone, then, is intended to protect habitat and open space while allowing residential development when it is consistent with the continuation of that habitat and open space. It is important to note that much of the City's undeveloped hillsides are zoned open space of one type or another (recreation, passive, conservation, etc.). Most of the parcels in the Hillside Management/Conservation land

use designation and RHP zone are larger, hillside properties. The vast majority of these parcels, though not all, abut open space zoned land on one side and residentially zoned land on the other.

Major changes proposed to Section 25.15 Residential Hillside Protection Zone include replacing the existing formula to calculate average slope with a new slope determination method titled "Density Yield Method", new language to recognize danger from fire, slope failure and erosion, and difficulty of emergency evacuation as environmental constraints, and the addition of a new section which requires that specific findings be made prior to approval or conditional approval of any development in this zone. The changes proposed to Section 25.15 are contained in City Council Resolution No. 1303. Resolution 1303 also includes the changes to Chapter 21.14 of Title 21 Plats and Subdivisions, described below.

In addition, the existing cross reference to Title 21 Plats and Subdivisions, in the text of Section 25.15, is proposed to be modified to cross reference more specifically to the applicable section within that Title, Section 21.14. Furthermore, the applicable section in Title 21 (21.14) is proposed to be modified. The title of this section in the certified text is "Exceptions". That title is proposed to be changed to the more accurate title "Planned Residential Developments", as Section 21.14 addresses exceptions that apply only with Planned Residential Development. An existing use allowed within the Residential Hillside Protection zone is Planned Residential Developments (subject to the standards of Title 21, specifically to Section 21.14 Planned Residential Developments).

The main changes proposed in this section include some changes in how the amount of private open space required is determined, limiting planned residential developments to R-1 and RHP zones where they are currently allowed within all residential zones, an allowance for private streets within Planned Residential Developments, clarification of how the permanent upkeep and maintenance of open space and common facilities are to be accomplished, and a new section that establishes required findings that must be made prior to approval of any Planned Residential Development.

Section 25.15.004 Design Criteria provides standards that apply to development within the Residential Hillside Protection Zone. The preamble to this section states:

> "The area included in the Residential/Hillside Protection Zone encompasses a substantial amount of the City's undeveloped hillsides. Not only does this land incorporate some of the most undisturbed physical environments in the City, it also supports many environmentally sensitive habitats. These include rare species of flora or fauna, significant watercourses, ridgelines and unique landforms such as rock outcroppings and caves. In addition, land within this Zone typically contains physical conditions such as steep topography and geologically sensitive areas which amplify the environmental and safety concerns of this Zoning District."

Section 25.15.004 establishes Design Criteria for this zone. It establishes criteria to be considered when reviewing a project in the RHP Zone and requires consideration of building siting, mass and scale, building size, architectural style, grading, landscaping and fuel modification. These are all important considerations within this protective zone. However, although the language cited above is very specific about the resources found in this zone, this section includes a statement that, as part of the review process, the City **may** (emphasis added) require detailed environmental studies to identify specific impacts and the necessary mitigation measures. However, a determination of a proposed project's impacts on environmentally sensitive areas, natural open space lands, unique landforms, and scenic hillsides, as is required in the RHP Zone, cannot be made without detailed environmental studies.

Furthermore, in this same section, 25.15.004, it states these studies may be required "to identify specific impacts and the necessary mitigation measures." This language implies that any impacts would be acceptable as long as mitigation measures are provided. However, certain impacts to ESA cannot be allowed regardless of mitigation offered. Impacts should first be avoided and only when avoidance is not possible can impacts for allowable uses be permitted with adequate mitigation. Otherwise the protection required by the Hillside Management/Conservation land use designation is not assured. Nor is the protection described in the Residential Hillside Protection zone assured. The language contained in Section 25.15.004 does not reflect the level of protection necessary in this zone. The same issue arises in Section 25.15.004(A)(1) which states that buildings and other improvements **should** (emphasis added) be situated such that they do not adversely impact any **mapped** environmentally sensitive areas. However, allowing impacts to ESA, whether mapped or not, is inconsistent with the certified land use designation of Hillside Management Conservation and with the LUP Vegetation and Wildlife policies cited above. Therefore as proposed the amendment must be denied.

Section 25.15.004(A)(6) addresses landscaping, stating: "The proposal should maintain native vegetation to the greatest extent possible and should include the provision of additional native vegetation to mitigate potential visual impacts and erosion concerns associated with the development proposal." This landscaping section identifies very important points, which are most appropriate to consider in this protective zone. However, it does not include a prohibition on invasive landscaping. Much of the land zoned RHP is undeveloped hillside that abuts open space land. Introduction of invasive plants could adversely impact existing native vegetation and environmentally sensitive areas. Thus, the prohibition on invasive plants is a significant consideration when reviewing development in this protective zone. Without such a prohibition on invasive plants, the zone is inadequate to assure protection of environmentally sensitive areas and open space lands. Thus it is inconsistent with and inadequate to carry out the certified land use designation of Hillside Management Conservation and with the LUP Vegetation and Wildlife policies cited above. Therefore as proposed the amendment must be denied.

Section 25.15.004(A)(7) addresses fuel modification, stating: "The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence." This section identifies very important points, which are most appropriate to consider in this protective zone.

However, there are methods of fuel modification in addition to removing native vegetation that should also be considered when developing a fuel modification plan. These include limiting the size and/or siting of the structure, and the use of fire retardant design and/or materials. It may be possible to reduce the need to remove native vegetation if these other methods are incorporated into project design. However, as proposed, these considerations are not required to be addressed when fuel modification plans are prepared and reviewed. Preservation of native vegetation should be maximized in order to protect environmentally sensitive areas and open space as is required in this protective zone. So although the existing fuel modification language within the Design Criteria recognizes the need to minimize impacts to native vegetation, consideration of methods in addition to vegetation removal should be required when fuel modification plans are prepared for existing development and new development on existing legal lots. Without language that requires consideration of alternative fuel modification methods in addition to vegetation removal, such as siting, design, and materials, the zone is inadequate to assure protection of environmentally sensitive areas, and open space lands. In addition, new division of land for future development should be designed to prohibit any impacts to environmentally sensitive lands or public open space/parks for fuel modification. Thus, as proposed, the ordinance is inconsistent with and inadequate to carry out the certified land use designation of Hillside Management Conservation and with the LUP Vegetation and Wildlife policies cited above. Therefore as proposed the amendment must be denied.

The amendment proposes to add a new section – Section 25.15.012 Required Findings. Addition of this section is beneficial and helps to ensure that the protections required are applied. However, one of the proposed required findings (25.15.012(B)) states:

> (B) That the proposed development, following the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

This suggests that development that results in adverse impacts on the environment may be allowed as long as reasonable mitigation measures are provided. As was discussed earlier in this report, adverse impacts to environmentally sensitive areas are not allowed. Efforts to avoid impacts to all the resources specifically identified for protection in this zone and the corresponding land use designation, must be made before mitigation is considered. The proposed language for subsection (B) does not make this clear. Therefore, it is inconsistent with and inadequate to carry out the certified land use

designation of Hillside Management Conservation and with the LUP Vegetation and Wildlife policies cited above. Therefore, as proposed, the amendment must be denied.

The proposed amendment would also modify an existing cross reference contained in Section 25.15.008 to Title 21 (Plats and Subdivisions). The revised cross reference more appropriately directs the reader to Section 21.14 of Title 21. Uses allowed with the RHP Zone include Planned Residential Development (subject to approval of a conditional use permit). Allowance of that use is not proposed to be changed. The cross reference to Title 21 ties in the Plats and Subdivisions standards when a Planned Residential Development is proposed in the RHP Zone. Section 21.14 establishes standards for when exceptions to the plats and subdivision standards may apply for Planned Residential Developments projects. Thus the title of Section 21.14 is proposed to be changed from "Exceptions" to "Planned Residential Developments". This change is appropriate as the section addresses exceptions that apply only when a Planned Residential Development is proposed. The exceptions that would apply to Planned Residential Developments affect standards for determining the appropriate amount of private open space or recreation areas, and front rear and side yard setbacks.

Many of the proposed changes to the Implementation Plan raise no issue with regard to consistency with the certified LUP. However, there is new language proposed that would allow private streets within Planned Residential Communities. When private streets are allowed within developments that are near or adjacent to public trails, public parks, or the shoreline, public access is adversely impacted, as it limits both the public's ability to physically access trails, parks or shoreline as well as removes potential parking reservoirs that could serve these amenities. As this new allowance for private streets within Planned Residential Developments would be allowed in the RHP area, it is quite likely that such a development would be located near or adjacent to public open space, public trails and/or public parkland. Allowing private streets could remove or significantly hamper the public's ability to access these amenities. The City's certified Land Use Plan Open Space/Conservation Element includes Parks Policies. Policy 5-B states:

> **5-B** Support the recreational use and development of surrounding open space lands, where environmentally feasible, to relieve demand for parklands within the City. Encourage preservation of Laguna Greenbelt in the natural state, with recreational access limited to passive activities such as nature trails and wildlife observation areas.

The proposal to allow private streets in new Planned Residential Developments within the RHP Zone could result in limiting passive recreational use of the surrounding open space lands, even though such use is environmentally feasible. This would be inconsistent with certified the LUP policy cited above, as well as the access and recreation policies cited earlier. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the certified Land Use Plan. Therefore, as proposed, the amendment must be denied.

Section 21.14.060 Required Findings is proposed to be added to Chapter 21.14. This new section would require specific written findings that must be made in order to approve any Planned Residential Development. The findings would require minimization of mass and scale; that the development will be adequately served by essential public facilities and services; that the development will not result in the loss of any natural, scenic or historic feature (including, but not limited to, natural drainage courses, flora or fauna habitat, stands of trees and rock outcroppings); and, that the development has a diversity and originality of lot layout and building design. The proposed addition of a section that establishes specific findings that must be made in order to approve a planned residential development will help to implement the policies of the certified Land Use Plan. However, one of the required findings appears to have a typographical error in it that should be corrected. Proposed Section 21.14.060(A) states:

> (A) That the Planned Residential Development will be constructed, arranged and operated so as to minimize mass and scale, **increase** [emphasis added] hazard to neighboring property or interfere with the development and use of neighboring property.

It appears that the word in bold above, "increase" was actually intended to be preceded by the word "not", and that development should **not** interfere with neighboring property. In any case, assurance that development does not create hazards to neighboring property is what the finding should require. As it is currently proposed, that is not assured. This would be inconsistent with certified the LUP policies cited above including the one which requires adequate consideration of environmental hazards in the development review process. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the policies of the certified Land Use Plan. Therefore, as proposed, the amendment must be denied.

2. Chapter 25.16 Artists Live/Work

The proposed amendment would add a new chapter providing standards for Artists' Joint Living and Working Units. The LCP as certified includes provision for Artists' Joint Living and Working Units. These types of units were established by the City as a means to encourage artists to reside in the City thereby enhancing the City's reputation as an art colony. The combined units are intended to make living in the City more affordable for artists. The Commission recognizes that the City's function as an art colony establishes one of the reasons many people visit the City, thus the City's appeal as an artists' colony draws visitors to the area. The certified LCP currently allows Artists' Joint Living and Working Units in the following zones: Residential Medium Density R-2, Local Business Professional, M-1A Light Industrial, and within the Downtown Specific Plan area they are allowed in the Central Business District-Office district and in the Civic Art district. The proposed amendment would add the Artists' Joint Living and Working units as an allowable use within the following zones: Residential High Density R-3, Local Business C-

1, and within the Downtown Specific Plan area they are proposed to be added in the Central Business District-Canyon Commercial district and Central Bluffs district. Limited retail functions are proposed to be allowed, with a limitation on area dedicated to the retail function not exceed ten percent (10%) of the gross floor area of the unit.

The Central Bluffs area of the Downtown Specific Plan is described in the DSP, in part as follows: "The Intent and purpose of this Land Use District is to promote a low profile, low-intensity balance of tourist-oriented businesses and artists' uses which enhance the natural setting of the bluffs and contribute to the identity of Laguna Beach." In addition, special planning and design criteria are required in this area of the DSP to promote visitor-serving uses and a pedestrian access/orientation. The visitor serving uses criteria requires: "When development is proposed, businesses and uses which enhance the character of the Central Bluffs and which support a tourist orientation shall be encouraged" and "Effort shall be made to attract long-term, destination-oriented tourists on a year-round basis. The Downtown Specific Plan was approved by the Commission via LCPA 1-00 in 2001. The proposed expansion of the Artists' Live/Work use into this area is consistent with the certified DSP's goal of balancing tourist-oriented businesses and artists' uses and with Land Use Plan's priority of land use for visitor commercial development over other types of uses such as residential, office or industrial. It is also consistent with the certified DSP policies and intent for this area.

With regard to the proposed expansion of zones in which this use will be allowed, this use is appropriate in the lower priority zones such as residential, office, and industrial. However allowing this non-visitor serving use within the zone that provides the higher priority use of visitor commercial is not appropriate. In the Commission's original approval of the Implementation Plan, the Local Business C-1 district was identified as the zone that would implement the land use designation Commercial/Tourist Corridor. The certified LUP Land Use Element describes the Commercial/Tourist Corridor as follows:

"The principle permitted uses of this category are visitor-serving facilities such as hotels, motels, restaurants, theaters, museums, specialty shops and beach-related retail uses. Other non visitor-serving facilities (including service and residential uses) are also permitted, subject to a conditional use permit. Non visitor-serving uses shall not exceed 50 percent of the gross floor area of the entire structure and shall be located above the ground floor level."

The uses allowed in the C-1 zone are the higher priority visitor serving uses. Furthermore, the C-1 zone is located primarily along Coast Highway and lower Laguna Canyon Road. These roads, the primary areas zoned C-1, are the only roads in or out of the City and are developed with visitor serving uses. Thus, this area is appropriately designated the visitor serving core area of the City. The proposed artists' live work units would not provide a visitor serving use – they are only allowed to provide dwelling and work space. Even if the retail option were pursued, it is limited to no more than 10% of the gross floor area, so that would not provide significant visitor opportunities. As proposed, Chapter 25.16 is

inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding the higher priority of visitor serving uses. Furthermore, the amendment as proposed is inconsistent with and inadequate to carry out the certified land use designation of Commercial/Tourist Corridor. Therefore, the amendment must be denied as proposed.

3. Chapter 25.35 Arch Beach Heights Specific Plan Lot Combinations

Ordinance No. 1347 would create new Section 25.35.65 within the Arch Beach Heights Specific Plan (Chapter 25.35). Section 25.35.65 is intended to establish an incentive to combine lots in the Arch Beach Heights Specific Plan (ABHSP) area. Proposed Section 25.35.65 would establish review criteria for the combination of vacant building sites with vacant, non-building sites in order to limit potential development in areas of open space/sensitive habitat.

Arch Beach Heights Specific Plan area contains steep slopes and the potential for the presence of environmentally sensitive areas. The area was the subject of subdivision in the early part of the last century. The Intent and Purpose of the Arch Beach Heights Specific Plan, Section 25.35.010 states, in part

> "It is recognized that the subject area, because of its lot configuration, topographical situation, historical development pattern and proximity to necessary public services has special problems which must be solved with specific planning solutions, development controls, and public actions. It is the intent of this portion of the Arch Beach Heights Specific Plan to apply guidelines and controls over private development, which guidelines and controls will be more specifically suited to meeting the special needs and problems of the area in a manner which will best protect the health, safety and welfare of the residents both within the subject area and within the remainder of the City."

The City's certified Implementation Plan at 25.08.004 includes a definition for "building site." This definition requires that for a site to be considered a "building site" it must meet certain criteria, among them that the site can be accessed by an existing improved street or usable vehicular right of way of record. A number of parcels within the Arch Beach Heights Specific Plan (ABHSP) area do not meet that requirement ("landlocked" sites). The proposed amendment would allow the merging of such non-building sites with vacant legal building sites (as defined in Section 25.08.004) for development purposes when certain review criteria and required findings can be made. The proposed amendment would create a new type of development review, referred to as "lot combination" within the ABHSP area.

Proposed Section 25.35.65 Lot Combinations would allow for combination of vacant building sites with vacant non-building sites provided that: 1) the gross floor area on the combined lot does not exceed 1.7 times the buildable area of the original building site; 2) all proposed development meets applicable standards of the ABHSP; 3) all proposed

development meets design review requirements, goals and criteria; and, 4) the specific special findings required can be made. The Special Findings Required (25.35.65(d)) are: 1) development encroachment into the areas that were not building sites results in protection or enhancement of public and/or private views; 2) development minimizes impacts on the neighborhood and streetscape; 3) after incorporation of reasonable mitigation measures, the development will not have any significant adverse impacts on high or very high value habitat; and, 4) the development is in conformity with all applicable provisions of the general plan, including the certified local coastal program and the zoning code (Title 25). Finally, proposed Section 25.35.65(e) would allow an increase to the FAR limit of 1.7 when, in addition to the findings required in subsection (d) it is determined that the scale and size of the proposed home is consistent with that of existing homes in the neighborhood and the project is deemed a superior example of hillside development per the city's design guidelines for hillside development.

Proposed Section 25.35.65(d)(3) under "Special Findings Required" states: "The proposed development, after the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on high or very high value habitat." This proposed language would allow impacts to ESA when mitigation is provided. Furthermore, referencing only high and very high value habitat may not include all areas that constitute ESA. All areas that meet the definition of Environmentally Sensitive Areas as defined in Open Space/Conservation Element policy 8-1 must be protected from adverse impacts. The certified LUP policies regarding Vegetation and Wildlife Resources require that ESA be preserved and protected. Proposed Section 25.35.65(d)(3) implies that any impacts to ESA would be acceptable as long as mitigation measures are provided. However, impacts to ESA cannot be allowed regardless of mitigation offered. Because the proposed language will not assure protection of all environmentally sensitive areas, it cannot be found consistent with and adequate to carry out the policies of the certified Land Use Plan, particularly the Vegetation and Wildlife Resources policies. Therefore, the proposed amendment must be denied as submitted.

4. Parking Requirements

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Many of the changes consist of clean-up and updates to make the chapter more current and more specific. The more significant parking changes proposed by this amendment include the addition of a standard that the City will only require parking to be provided when a use is intensified, creating a new provision allowing parking reductions for development proposals that provide certain incentive uses or conditions, deleting the provision that allows required parking to be provided off-site, and a new provision for allowing shared use parking under certain conditions.

Some of the changes within the individual ordinances have overlapped and been superseded over the course of years that this amendment covers. The final version of Chapter 25.52, after all the changes occurred, was reviewed for this LCP amendment.

Changes proposed to Chapter 25.52 are contained in Ordinance Nos. 1282, 1305, 1306, 1326, 1333, 1354, 1361, 1373, and 1415. .

Of the changes proposed, only three raise issues of consistency with and adequacy to carry out the certified Land Use Plan. The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The issues raised by the amendment as proposed include the proposed new standard that would require parking to be provided only when a use is intensified, new language on when and how parking is to be required when a use is intensified, and, the creation of incentive uses for which parking could be reduced.

The proposed language that would require parking only when a use is intensified is:

> *"The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use."*

The City staff report prepared for Ordinance No. 1282, which proposes this change, states:

> *"A clarification is proposed which states that when there is not an intensification of use or expansion of floor area any proposed allowable use shall be exempt from the parking requirements. This is present City practice, but it has not been clearly codified (Section 25.52.004).*
>
> *A clarification of how parking is credited is proposed. Almost every city or town older than 20 years [the City staff report is dated 6/23/93] has one or more business areas where, before the passage of any parking or zoning restrictions, buildings were constructed on small lots with relatively little room left for parking. Under these conditions, there are two options: either prohibit the intensification of use or adopt a provision which allows the change under limited circumstances. The policy choice is one of determining which is the lesser of potential evils – parking problems on adjacent streets and properties or vacant buildings. The amendments proposed allow limited intensification of use under limited circumstances. This philosophy is consistent with present ordinance language but clarification changes have been made throughout the ordinances to reflect the exact "limited circumstances" where intensification of use may occur."*

The proposed amendment would add new language that parking would only be required when proposed development represents an intensification of use. However, even when a new use is not an intensification of use, it is oftentimes appropriate to consider whether additional parking could be provided with redevelopment of the site. For example an

existing use could be replaced with the same use at the same site in conjunction with demolition of the existing building and construction of the new building. Such a circumstance merits at least consideration of whether the demolition would allow for new parking spaces to be accommodated on site. Furthermore, although it appears to be the City's intent that this provision apply only to commercial areas that were developed prior to creation of current parking standards, as proposed this language would apply to all zones city-wide. The language is proposed in two places within Chapter 25.52: in subsection 25.52.004 General Provisions and in subsection 25.52.012 Parking Spaces Required for Specific Uses. Both of these sections establish general standards that apply city-wide. Thus, there may be areas where parking could be provided when a site redevelops even when the redevelopment does not result in an intensification of use. Additionally, there is nothing in the language as proposed that would preclude applying this standard to residential development. Such an application could result in new residential development, in cases where there is either no intensification of use or the intensity of use is decreased (either replacing like for like or replacing a duplex with a single family dwelling for example), where no parking could be required. This would be especially problematic in areas where residential development is within close proximity to beach areas, public recreational areas, or visitor serving commercial uses.

The proposed amendment also includes new language for determining the amount of parking that would be required when a use is intensified (Section 25.52.004(e)(1). [See exhibit 4] The proposed new language would require application of one of the following three options for providing parking when a use is intensified: 1) provide code parking for the intensified use only; 2) provide code parking for the use that existed prior to the intensification; or 3) provide all code required parking for the entire building (less credits for certain circumstances). However, the second option is problematic. Either parking should be provided to meet the expanded demand or the expansion shouldn't be allowed. It would be difficult to justify requiring parking to serve the existing use retroactively (assuming it was legally established). .

Also this proposed new section 25.52.004(e)(1) allows the purchase of in-lieu parking certificates without limit or restriction. However, Section 25.52.006(e) establishes the procedure for allowing in-lieu parking certificates to meet the parking requirement. Thus, an internal inconsistency is created by the proposed language in 2.52.004(e)(1).

The Commission recognizes that in older commercial areas (such as downtown Laguna Beach) it may not be possible, or sometimes even desirable, to require code parking with each development proposal. The Commission further recognizes that always requiring code parking encourages the use of individual cars where that may also not be most desirable. The Commission further recognizes that the City of Laguna Beach does provide a summer shuttle system served by a remote parking area and that other public transit opportunities exist within the City. In addition, many visitors to the City's downtown area visit more than one use on a single trip. All these circumstances help to

support reductions in the number of parking spaces required with development proposals.

Nevertheless, the proposed language that would preclude any parking requirements for all re-development that does not intensify the existing use is still not appropriate. This is particularly true in the City of Laguna Beach where parking and traffic circulation are recognized as issues for a number of different reasons, among them impediments to the provision of public access and accessibility of visitor uses. Such a parking reduction is appropriate when supported by a parking and traffic study that identifies how visitor access will be maintained and where possible enhanced even though parking is not provided. This can be accomplished when a specific area is identified and an explanation of how public access opportunities will remain is provided. It should be made clear that the areas where the parking reductions are allowed should be served by alternative transportation such as public shuttle and bus systems, as well as encouraging the use of bicycles and walking.

The City's certified Downtown Specific Plan recognizes the City's downtown commercial area as one where a reduction in the parking requirements likely would be appropriate, but also specifically requires that a comprehensive Downtown Specific Plan Parking and Traffic Management Program be developed before such reductions can be established throughout the specific plan area. The proposed amendment does not include such information. Thus, there is no assurance that the proposed elimination of parking requirements would preserve, protect or promote public access. Therefore, the amendment is inconsistent with and inadequate to carry out the public access and visitor serving policies of the certified Land Use Plan and therefore must be denied as submitted.

The amendment also proposes to modify the parking standards by adding new subsection 25.52.002(g) [originally proposed as subsection(h), but subsequently modified by other ordinances included in this amendment] allowing parking reductions as incentives for certain uses. The proposed section is as follows:

> *(g) Incentives. The city council may approve a conditional use permit, upon recommendation by the planning commission, to reduce the parking standards required under this chapter where one or more of the following conditions apply:*
>
> *(1) The proposed use is a very low or low income, or disabled housing project;*
>
> *(2) The proposed use is considered to be less intense than the previous use;*
>
> *(3) The proposed use provides for or promotes the use of alternative modes of transportation such as ride-sharing, carpools, vanpools, public transit, bicycles and walking;*
>
> *(4) The proposed use is a sidewalk café having outdoor seating available to the general public as well as restaurant customers, which contributes positively to*

the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three spaces.

As stated above, the Commission recognizes that parking reductions are often appropriate. However, every time a parking reduction is granted it should be demonstrated that the use will provide and/or promote alternative forms of transportation. This should not be one of a group of incentive uses. Rather, it should be required of all developments seeking reductions in parking requirements. As proposed, provision/promotion of alternate forms of transportation is not required with each parking reduction granted.

The issue raised by parking reductions is whether such reduction would adversely impact public access to the shoreline, recreational opportunities, or visitor amenities. If the incentive uses listed above would create adverse impacts on public access or decrease the availability of visitor opportunities, then the parking reductions cannot be found to be consistent with or adequate to carry out the certified LUP's requirements regarding visitor serving uses and public access. As proposed this section does not include a requirement that an applicant requesting a parking reduction or the City in granting such a reduction demonstrate how visitor uses and public access will be maintained if the reduction is granted.

As proposed, the parking reduction incentives will not assure protection of public access including access to the shoreline, public recreation, and visitor amenities. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving use.

Section 25.52.006(F) currently allows the purchase of certificates in lieu of providing parking spaces. This is allowed in areas where the provision of all code required parking is known to be a hardship and the City Council designates the area a Special Parking District. The in-lieu parking program has been part of the Implementation Plan since its initial certification in the early 1990s. The in lieu fees are used by the City to provide additional public parking. The City's 218 space Glenneyre Street parking structure was funded, in part, by in-lieu fees. In addition, the City's acquisition of a 5,500 square foot parcel, intended to provide public parking, was funded in part by in-lieu fees. In lieu parking fees were also used recently to provide thirty-three public parking spaces on a City owned site in the downtown area.

The amendment would modify this section to limit the maximum number of in lieu certificates to three for any one site. The amendment also proposes to replace existing language regarding the amount of parking required when an existing use is intensified (25.52.004(e)). The new language proposed includes discussion allowing in lieu parking certificates, but does not specify that the in lieu certificates must be consistent with Section 25.52.006(F) [the current numbering would now make this section 25.52.006(e)]. Without cross referencing to the section that currently provides standards for when in lieu parking

certificates are allowed, the amendment could result in the purchase of in lieu certificates for projects where it would be more appropriate to provide on-site parking spaces. In addition, the limit of a maximum of three in lieu certificates per site may not be imposed. Without the cross reference, adequate parking may not be provided, which could adversely impact public access and visitor use, inconsistent with the policies of the certified LUP. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the policies of the certified Land Use Plan and therefore must be denied.

5. Chapter 25.55 Telecommunication Facilities

The amendment proposes to add new Section 25.55 Telecommunication Facilities to the certified Implementation Plan. Currently the certified Local Coastal Program contains no zoning standards for telecommunications facilities as the technology for such facilities was not in common use when the LCP was certified in the early 1990s. The intent and purpose of this new zoning chapter, according to proposed Section 25.55.002 Intent and Purpose is: "to protect the health, safety and welfare of persons living and working in the City, and to preserve aesthetic values and scenic qualities in the City without prohibiting any entity or person(s) from providing or receiving telecommunications service." In addition to Section 25.55.002, the amendment proposes three other sections for this new chapter: Definitions, Permits Required, and Review Criteria/Standard Conditions. Chapter 25.55 was approved by the City via City Council Resolution No. 1320 and subsequently modified by City Council Resolution No. 1386.

Proposed Section 25.55.006 Permits Required, under subsection (B) states:

> (B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, all telecommunication facilities are subject to the granting of a conditional use permit as provided for in Section 25.05.030. **If the proposed antenna site is unimproved, an associated coastal development permit will also be required pursuant to Chapter 25.07.** [emphasis added] Telecommunications facilities shall comply with the review criteria/standard conditions of Section 25.55.008. The following classes of satellite antennas are exempt from conditional use permit requirements: …

However, the language highlighted in bold above is misleading. Although Chapter 25.07 Coastal Development Permits, identifies whether a coastal development permit is required, the language above appears to limit when a coastal development permit would be necessary for telecommunications antennae. The language erroneously indicates that whether a permit is required depends on whether the project site is undeveloped at the time of application. In fact, determination of whether a coastal development permit is required for such development depends on whether it meets the definition of development contained in Section 25.07.006(D) and also whether it meets any of the criteria for exemptions as described in Section 25.07.008.

The amendment also proposes Section 25.55.008 Review Criteria/Standard Conditions. This section includes criteria to be considered when an application for a telecommunications device is considered. Criteria in this section include location, height, safety, aesthetics, interference, radio frequency (RF) radiation standard, and long-term compliance. Although the aesthetics section references aesthetic visual impact and provides that the Design Review Board may request alternative designs to reduce visual impacts, the criteria does not specifically mention protection of public views. Furthermore, the review criteria does not address project impacts on environmentally sensitive areas (ESA). As cited above, the certified LUP includes the specific requirement that public views from the hillsides and along the City's shoreline be preserved to the maximum extent feasible. As well, the LUP includes policies prohibiting development within environmentally sensitive areas and assuring that development near ESA also be protective of the ESA. Without specific language addressing both preservation of public views and protection of ESAs, the proposed amendment is inconsistent with and inadequate to carry out the Visual Resources policies and the Vegetation and Wildlife Resources policies of the certified Land Use Plan, and so the amendment must be denied.

6. Chapter 25.17 Second Residential Units

The amendment proposes to modify Chapter 25.17 Second Residential Units in order to make this section consistent with Assembly Bill 1866, which became effective in 2002. AB 1866 changes the procedure for local government review of proposed second units, commonly called "in-law units" or "granny flats." AB 1866 requires local governments to consider applications for second residential units "ministerially without discretionary review or a hearing." AB 1866 also provides that it shall not be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act … except that the local government shall not be required to hold public hearings for coastal development permit applications for second units. So, although the local government may no longer hold public hearings on applications for second units (including coastal development permit applications for second units), the City's approval of a coastal development permit for a second unit, if it is an appealable coastal development permit, may still be appealed to the Coastal Commission. In addition, the City must provide public notice when a coastal development permit application for a second residential unit is filed, and, members of the public must be given an opportunity to submit comments regarding the proposed development. When a second residential unit application is appealable, local governments must still file a final local action notice to the Coastal Commission. Moreover, all development standards specified in the certified LCP and, where applicable, Chapter 3 of the Coastal Act remain applicable to second residential units. Thus, a local government may not issue a coastal development permit for a second unit without first finding that the proposed unit is consistent with the certified LCP and/or the applicable policies of Chapter 3 of the Coastal Act.

The proposed amendment would add new Section 25.17.040 Coastal Development Permits for Second Residential Units. This new section states that all the provisions of Chapter 25.07 Coastal Development Permits regarding review and approval of Coastal Development Permits in relation to second residential units are applicable, except that a public hearing is not required. It states that the coastal development permit review criteria contained in Section 25.07.012(F)(1 through 9) shall be incorporated into review of second units, that the coastal development permit only be approved if the findings contained in Section 25.07.012(G) can be made, and that, even though there can be no local public hearing, an appealable coastal development permit can still be appealed pursuant to Section 25.07.006(A) in accordance with the provisions of Section 25.07.014(B).

Although the proposed section addressing coastal development permits for second residential units references back to Chapter 25.07 Coastal Development Permits, and to many of the requirements within Chapter 25.07, it does not include a reference back to the requirement to provide public notice for the pending coastal development permit. Although AB 1866 prevents the City from conducting a public hearing on the matter, it does not prevent the City from noticing its pending action and accepting written public comment prior to action. In addition, public notice would alert interested parties to the potential to appeal the City's approval, when applicable. Without a specific requirement to provide public notice of City action on coastal development permits for second residential units, the proposed amendment would not maximize public input in the coastal development permit process. Thus, the proposed amendment cannot be found to be internally consistent and therefore must be denied.

7. Chapter 25.22 Bed and Breakfast Inns

The amendment proposes to add new Section 25.22 Bed and Breakfast Inns. In addition, the definitions section is proposed to be modified by adding a definition for Bed and Breakfast Inn at proposed new section 25.08.004. The proposed amendment would also make changes by inserting a reference to the new Bed and Breakfast Inn Chapter 25.22 in the "Uses Permitted Subject to Conditional Use Permit" section of the zones where Bed and Breakfast Inns are allowed: Residential Medium Density (R-2) Zone, Residential High Density (R-3) Zone, and the Local Business/Professional (LB/P) Zone. And, the proposed amendment would modify Chapter 25.52 Parking Requirements by modifying Section 25.52(f) which specifies the number of off-street parking spaces required for Bed and Breakfast Inns. The changes proposed are contained in City Council Resolution No. 1346.

Currently Bed and Breakfast Inns are allowed only in E-rated historic structures in the R-2, R-3, and LB/P zones. Chapter 25.45 Historic Preservation categorizes historic structures into three categories: "E" Exceptional, "K" Key, and "C" Contributive. The proposed ordinance would allow Bed and Breakfast Inns in all historic structures (rather than only in E-rated historic structures) in those same zones.

The standards for Bed and Breakfast Inns are currently contained in Chapter 25.12 Residential Medium Density (R-2) Zone at 25.12.006(I), even though the use is also allowed in Residential High Density (R-3) and Local Business/Professional (LB/P) zones. The proposed amendment would delete the existing Bed and Breakfast Inn standards in 25.12.006(I) and create new Chapter 25.22 Bed and Breakfast Inns to provide the standards for Bed and Breakfast Inns. A cross reference back to Chapter 25.22 is proposed to replace the previous cross reference to the B & B standards in the R-2 zone at 25.12.006(I) in the R-3 and LB/P zones.

Finally, the amendment proposes to modify the parking requirement for Bed and Breakfast Inns at Section 25.52.012(f). The proposed parking requirement is two covered spaces per residence plus one parking space for each guest unit. The currently certified parking requirement for Bed and Breakfast Inns is the number of spaces required for the primary use plus one for each room available for rent.

Expanding the allowance for Bed and Breakfast Inns from one to all three historic structure categories increases the potential for the provision of overnight visitor accommodations within the City. The allowance for Bed and Breakfast Inns, a higher priority use, within lesser priority zones (residential and business) helps to maximize visitor serving uses in the City, consistent with the priorities and policies of the certified Land Use Plan cited above.

However, proposed Section 25.22.050 Historic Preservation Incentive, provides for a reduction in parking requirements when an historic structure is preserved and used as a Bed and Breakfast Inn. The amount of the reduction depends on the historic character of the building, with “E” rated structures to receive up to 75% parking reduction; “K” rated structures to receive up to 50% reduction; and, “C” rated structures to receive up to 25% reduction. Incentives that would result in the provision of additional visitor serving uses are appropriate as long as alternate means of transportation are also encouraged to offset impacts to public access that could result from the parking reductions. Simply reducing the parking requirement does not address the impact of providing fewer parking spaces than the use is expected to create a demand for. However, if it is clear that other transportation methods to serve the development are available, parking reductions may be appropriate.

The proposed amendment does not include any discussion on alternate means of transportation as part of the parking reduction incentive. Inadequate parking, when no other means of transport are accounted for, can adversely impact public access to various visitor amenities. In the City of Laguna Beach, visitor amenities include the beaches, parks, hillside open space trails, art festivals, and shopping and dining opportunities. The proposed parking reductions could adversely impact these visitor amenities when visitors arriving by car cannot find a space to park. These visitors may give up and go elsewhere and/or may not return in the future. However, if visitors and potential visitors were made aware of alternative transportation methods available along

with the Bed and Breakfast use and in the vicinity in general, this would serve to offset adverse impacts due to the reduced number of parking spaces provided due to the proposed incentive. Nevertheless, no discussion of alternative means of transportation is included in the section that proposes the parking reductions. Thus, public access and visitor serving uses are not maximized as required by the certified LUP polices regarding public access and visitor serving uses. Therefore, the proposed amendment is inconsistent with and inadequate to carry out the policies of the certified Land Use Plan and must be denied.

E. Findings for Approval of Implementation Plan Amendment 1-07C if Modified as Recommended

1. Incorporation of Findings for Denial of Implementation Plan Amendment 1-07C as Submitted

The findings for denial of the Implementation Plan amendment as submitted are incorporated as if fully set forth herein.

2. Chapter 25.15 Residential Hillside Protection Zone

As described in the findings for denial of the Implementation Plan amendment as proposed, Section 25.15 would not be consistent with and adequate to carry out the policies of the certified Land Use Plan, particularly the Vegetation and Wildlife Resources, Hillside Slopes, Hazards and Parks policies.

The existing zone includes language that implies that impacts to environmentally sensitive habitats could be allowed if adequate mitigation is provided. It also includes language that does not make clear that even when impacts may be allowable to other resources, consideration must first be given to alternatives that would avoid the impacts, and that only if avoidance is not feasible, then those impacts may be allowed when minimized and when adequate mitigation is proposed. However, if the amendment were modified to clarify that impacts to environmentally sensitive habitats are not allowed, and that impacts to other resources protected within this zone can only be allowed if avoidance is not feasible, and then only with adequate mitigation, unallowable impacts to these resources would be avoided. If modified as suggested (Suggested Modification Nos. 1 and 3), the amendment could be found to be consistent with and adequate to carry out the certified Land Use Plan.

Also, the existing zone states that impacts to **mapped** environmentally sensitive areas must be avoided. But impacts to all environmentally sensitive areas must be avoided, whether mapped or not. As it currently exists, the zone would not assure protection of all areas that constitute environmentally sensitive area. However, if the amendment were modified to delete the word “mapped” before environmentally sensitive area, the language would be inclusive of all environmentally sensitive habitats. If modified as suggested (Suggested Modification No. 1) the amendment could be found to be consistent with and

adequate to carry out the certified Land Use Plan.

Existing requirements for landscaping plans do not identify a prohibition on invasive plantings. Invasive plantings can adversely impact environmentally sensitive areas and natural open space by supplanting native species. However, if the amendment were modified to add language that prohibits the use of invasive plant species, environmentally sensitive habitats and natural open space areas would be protected. Therefore, if modified as suggested (Suggested Modification No. 1) the amendment could be found to be consistent with and adequate to carry out the certified Land Use Plan.

As proposed, the amendment would allow streets within Planned Residential Developments (Section 21.14 of Title 21 Plats and Subdivisions) to be private. However, private streets limit public access to public open space, trails, and parks, even when such use is environmentally feasible. Such limits on public use of public parks and trails is inconsistent with the parks policies of the certified Land Use Plan. However, if the amendment were modified to allow private streets within Planned Residential Developments only when there is no potential to obstruct public use of public parks, trails and open space, then public access to public trails, parks and open space would be protected. Therefore, if modified as suggested (Suggested Modification No. 4) the amendment could be found to be consistent with and adequate to carry out the certified Land Use Plan.

Finally, as proposed the amendment would add a new section requiring specific findings to be made before a Planned Residential Development could be approved. However, as it is currently written, it appears that a finding must be made that development will increase hazard to neighboring property. Thus, a modification is suggested (Suggested Modification No. 5) to correct that language so as to require a finding be made that hazard to neighboring property is not increased by the proposed development. If modified as suggested, the proposed amendment could be found to be consistent with and adequate to carry the certified Land Use Plan.

Other changes proposed in this Section are adequate to implement the policies of the Land Use Plan, and implement the Hillside Management Conservation land use designation. Proposed changes to Section 25.15 that are consistent with the certified LUP include: (1) recognition that types of environmental constraints that must be considered with new development projects in this zone include constraints due to fire hazard, slope failure and erosion, and the difficulty of emergency evacuation; (2) allowing the new use of “Special Residential Housing Projects (for example Senior or Low-Income); (3) replacing the existing slope calculation formula with a new “Density Yield Method” and (4) a new section that establishes a list of required findings that must be made in order to approve a development proposal in the RHP Zone.

Allowing “Special Residential Housing Projects” such as Senior or Low-Income will not eliminate the requirement to protect the sensitive resources of the RHP zone. The certified

zone already allows Planned Residential Development, a use similar to Special Residential Housing Projects. Although this would be a new use within this protective zone, no development incentives are proposed that would reduce the applicable restrictions and protections that are required in this zone to ensure protection of sensitive resources. Therefore the addition of this use does not conflict with the standards and policies of the certified LUP.

The existing slope calculation formula is used to determine the density that applies within this zone. The existing method limits the number of units based on the steepness of the slope. The maximum allowable density currently allowed in this zone is 3 units/acre. The 3 unit/acre density is allowed on parcels with slopes ranging from 0 to 10%. The existing slope calculation formula uses the average natural ground slope over the total project area, which is then plugged into the following formula:

$$S = \frac{IL(100)}{A}$$

Where I = Contour Interval in feet;
L = Combined length of the contour lines in feet;
A = Gross area of the parcel of lot in square feet

The proposed Density Yield Method is based on a more detailed method of determining the components of the slope formula. Rather than taking an average ground slope over the total project area, it measures distances between contour lines at every point where the slope corresponds to a slope category transition (i.e. 25%), then a line is drawn following the most direct downward slope (water drop line). This is repeated for all slope category transitions. A perimeter is then drawn around the same-slope category areas through the midpoint of the water drop line. The contiguous groups of slope category areas which have a slope of 45% or less and are 14,500 square feet [minimum lot size in this zone] or larger are measured for each slope category. Those areas are then multiplied by the applicable density factor based upon the Slope Density table. These measurements are made for the entire parcel(s) proposed to be developed or subdivided at contour intervals not to exceed ten feet on a horizontal map scale where one inch equals one hundred feet or less. The Slope/Density Table is proposed to remain the same, with a maximum density of 3 units/acre (0-10% slope) and a minimum density of .1 units/acre for slopes (40-45%) and no units are allowed for areas with slopes greater than 45%. The proposed Density Yield Method generates greater slope specificity and more accurately captures the actual topography of the site. The proposed Density Yield Method will make it easier to identify areas that are more suitable for development, or not suitable for development, based on slope. Therefore, this change is consistent with and adequate to carry out the policies and land use designation of the certified LUP.

Changes proposed to Title 21 Plats and Subdivision, Section 21.14 that are consistent with the certified LUP as submitted include the following: change in the title of the section to more accurately describe what is contained within the section; standards for the amount of private open space and recreation area to be provided and appropriate front, rear and side setbacks in Planned Residential Developments; clarification of how on-going upkeep and

maintenance of open space and common facilities will be provided; and a new list of findings that must be made in order to approve a new Planned Residential Subdivision.

The amendment proposes, also via City Council Ordinance No. 1303, a change to update the definition of Planned Residential Development (formerly Planned Residential Housing Development) which is contained in Section 25.08.028. Chapter 25.08 contains the definitions section of Title 25 Zoning Code.

City Council Resolution No. 1303 would also add a requirement to Section 25.10.006. Chapter 25.10 is the zoning Chapter for Residential Low Density (R-1). Section 25.10.006 lists the allowable uses subject to a Conditional Use Permit allowed within the R-1 zone. Currently Planned Residential Housing Development is listed as a use in this section. The proposed amendment would delete the word "housing" and would also add language that newly requires that the conditional use permit be approved by the City Council after recommendation by the Planning Commission, and that review of the conditional use permit include review of the subdivision.

3. Chapter 25.16 Artists' Live/Work

Ordinance No. 1336 repeals the section 25.32.007 regarding Artists' Joint Living and Working Quarters, repeals Section 25.16 R-H Residential Hillside Zone, and creates new Section 25.16 Artists' Live/Work. The R-H zone is proposed to be repealed because it no longer applies anywhere in the City. In fact it was obsolete at the time the Implementation Plan was originally certified, but was inadvertently left in when the City's Zoning Code Title 25 was submitted for review as part of the Implementation Plan. Hillside areas that are designated for low intensity residential development are zoned Residential Hillside Protection. At the time the total LCP for the City was certified, the Residential Hillside Protection zone was recognized as the zone that would implement the land use designation Hillside Management Conservation. The Hillside Management Conservation designation is intended to "promote a balanced management program focusing on the preservation of open space lands and environmentally sensitive areas, while allowing for limited residential development." As described above, changes are proposed to the Residential Hillside Protection zone via Ordinance No. 1303. No adverse impacts will result from the repeal of Section 25.16 Residential Hillside Zone.

The intent of the new Artists' Live/Work chapter in the IP is to provide affordable living in Laguna Beach for artists as an incentive to remain in Laguna Beach. This new section would allow dwelling units to be physically connected to artist working space. The use is proposed to be allowed on properties zoned Light Industrial, Commercial-Neighborhood, Local Business, Local Business Professional, Downtown Specific Plan, Canyon Commercial, Central Business District Office, Central Business District Central Bluffs, Residential Medium Density, and Residential High Density. Except in the residential zones, minor retail function is allowed. Changes are also proposed throughout Chapter 25 to make cross references to Section 25.16 for Artists' Live/Work units.

As proposed, Chapter 25.16 would allow non-priority residential and work uses within the visitor serving commercial zone. Visitor serving uses are a higher priority under the City's certified Land Use Plan. It is also inconsistent with the land use designation Commercial/Tourist Corridor. Therefore, the proposed amendment must be denied as submitted. However, if proposed Chapter 25.16 were modified to delete the Local Business C-1 zone from the list of zones in which the Artists' Live/Work use is allowed (Suggested Modification No. 13), the amendment could be found to be consistent with and adequate to carry out the visitor serving commercial policies of the certified Land Use Plan and with the certified land use designation of Commercial/Tourist Corridor. Therefore, only if modified as suggested can the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan.

4. Arch Beach Height Specific Plan Section 25.35.65

As proposed, Section 25.35.65(d)(3) will not adequately protect all environmentally sensitive areas as required by the Vegetation and Wildlife Resources policies of the certified LUP. Therefore, the amendment must be denied as submitted. However, if the amendment were modified such that the City was required to make a finding that any development allowed by the lot combination will not have any adverse impacts on Environmentally Sensitive Areas, including high and very high value habitat, ESA would be preserved and protected as required by the Vegetation and Wildlife Resources policies of the certified Land Use Plan. Therefore, only if modified as suggested (Suggested Modification No. 10) can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

5. Chapter 25.52 Parking Requirements

The amendment proposes to make changes throughout Chapter 25.52 Parking Requirements. Many of the changes consist of clean-up and updates to make the chapter more current and more specific. Of the changes proposed, only three raise issues regarding consistency with and adequacy to carry out the certified Land Use Plan. The certified LUP requires that maximum public access be provided with new development and includes the provision of adequate parking as one of the means of assuring maximum access. The certified LUP also places a higher priority on uses that provide visitor serving opportunities. Access to these higher priority uses must be maximized. The issues raised by the amendment as proposed include the proposed new standard that would require parking be provided only when a use is intensified, new language on when and how parking would be required when a use is intensified, and the creation of incentive uses for which parking could be reduced.

As proposed, the amendment would not require any parking when a proposed development does not result in an intensification of use. Although this is often appropriate, it is not always appropriate. If an existing use does not provide adequate parking and the

new proposal would actually create an opportunity to provide some or all of the parking, then it may be appropriate to require it. The proposed amendment does not allow for review of projects to evaluate whether parking could or should be provided with new development proposals. Even though it may sometimes be appropriate to forgo the parking requirement, it should be required when the opportunity arises and it is appropriate to require it. As proposed, the amendment does not do this and so must be denied.

Therefore, the amendment must be modified to add language to the section that describes parking standards that apply when a use is intensified (Section 25.52.004(E)(1)), to make clear the definition of intensification of use includes situations when "a new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed." Suggested modification No. 14 includes this change and will take into account the parking requirement for such development and address the stated concerns with regard to Section 25.52.004.

In addition, Section 25.52.012(e) must be modified to eliminate the proposed language that would limit the ability to require parking only when a use is intensified (Suggested Modification No. 16). This should be addressed most appropriately in Section 25.52.004 (as modified). As modified, Section 25.52.004 includes within the description of "intensification of use" the types of development described above. However, if Section 25.52.012(e) as proposed is read out of context (e.g. not in conjunction with modified Section 25.52.004(E)(1)), parking may not be required in every case where it would be appropriate to require it. As Section 25.52.004(E)(1) specifically describes parking standards to be applied when a use is intensified, that is the appropriate location for that language, not in Section 25.52.012(e), which applies overall to parking standards in general. If the language is deleted from this section, however, that would not happen. But standards specific to an intensified use could still be applied. With these two suggested modifications, the amendment could be found to protect public access to beaches, public recreation, and to visitor serving amenities. Therefore, only if modified as suggested is the proposed amendment consistent with and adequate to carry out the public access and visitor serving policies of the certified Land Use Plan.

Suggested modification No. 14 also includes the addition of language requested by the City. The certified Implementation Plan, regarding parking requirements, currently allows that "these requirements may be increased if it is determined that parking standards are inadequate for a specific project." Additional language, reflected in suggested modification No. 14, would clarify that the City may require additional information from an applicant in order to determine the appropriate parking demand that a proposed development would generate. The additional information may include, but is not limited to, "operational information of a proposed use, such as the number of employees or operational shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, including hotels." The addition of this language to Section 25.52.004(A) would assist both the City and an applicant in determining the appropriate amount of parking a specific development would require. The provision of

adequate parking to serve new development is recognized in the certified LUP as a means of maximizing public access. Therefore, suggested modification 14 is recommended to include this beneficial language.

As proposed, the amendment would allow parking reductions as an incentive for certain uses. However, the amendment does not require that alternative transportation be provided and/or promoted in order for a reduction to be approved. In addition, there is no requirement that an applicant or the City demonstrate that a requested parking reduction will not result in adverse impacts to public access and visitor use. Without such requirements, there is no assurance that the proposed allowance for parking reductions for incentive uses won't adversely impact public access. However, if the amendment were modified as recommended to incorporate these requirements into the proposed parking reduction incentives section, then the amendment could be found to be consistent with and adequate to carry out the certified LUP policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 15) could the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses.

As proposed, Section 25.52.004(e) describes the purchase of certificates in lieu of providing required parking spaces, without any restriction. However, the standards for when and how many parking in lieu certificates may be used is established in the Section 25.52.006(e) of the Implementation Plan. If the proposed amendment were modified to include a cross reference from the new language proposed for Section 25.52.004(e) to Section 25.52.006(e) Special Parking Districts – In Lieu Certificates, there would be no confusion as to which in lieu parking standard controls and appropriate oversight of the use of in lieu parking certificates would be assured. Without such a cross reference, public access would not be assured or maximized, thus the amendment would be inconsistent with and inadequate to carry out the certified Land Use Plan policies regarding public access and visitor serving uses. Therefore, only if modified as suggested (Suggested Modification No. 14) can the proposed amendment be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan.

6. Chapter 25.55 Telecommunications Facilities

As described in the findings for denial of the Implementation Plan Amendment as proposed, Section 25.55 would not be consistent with and adequate to carry out the policies of the certified Land Use Plan, particularly the Visual Resources and Vegetation and Wildlife Resources policies. The intent of the proposed new section is to provide standards that apply when telecommunication facilities are proposed. No standards were included at the time the LCP was originally certified because these types of facilities were not in general use as they are today. While it is entirely appropriate to establish standards to guide such development, Section 25.55, as proposed, does not include specific standards addressing public views or protection of ESAs. Thus, the proposed amendment is inconsistent with and inadequate to carry out the Visual Resources policies and the

Vegetation and Wildlife Resources policies of the certified Land Use. Therefore, the amendment must be denied as proposed. However, if Section 25.55 were modified to include a specific requirement that protection of public views be considered along with the other review criteria included in Section 25.55.008 (Suggested Modification No.7), the amendment could be found to be consistent with and adequate to carry out the Visual Resources policies of the certified Land Use Plan. Furthermore, if the amendment were modified to add a requirement to the list of review criteria to be considered in Section 25.55.008 that requires protection of ESAs (Suggested Modification No. 8), the amendment could be found to be consistent with and adequate to carry out the Vegetation and Wildlife Resources policies of the certified Land Use Plan. Therefore, only if modified as suggested can the proposed amendment be found to be consistent with and adequate to carry out the certified Land Use Plan.

7. Chapter 25.17 Second Residential Units

Ordinance No. 1427 proposes to modify Chapter 25.17 Second Residential Units. The ordinance would eliminate the separate standards for units restricted to senior citizen occupancy, would newly allow second residential units to be approved ministerially without discretionary review or a public hearing, would limit second residential units to lots zoned for single-family (currently also allowed in multi-family), and would not require a public hearing for Coastal Development Permits for second residential units. The intent of this ordinance is to make the City's Second Residential Units section consistent with AB 1866 which became effective on July 1, 2003 regarding second residential units.

As proposed, the amendment does not include a requirement to provide public notice when the City acts on coastal development permits for second residential units. Although AB 1866 prevents the City from holding a public hearing on the matter, it does not prevent the City for providing public notice of the City's review and accepting written comments on the matter. Public notice of the City's review would also make interested parties aware that, although the City cannot hold a public hearing on the matter, the City's approval could still be appealed to the Coastal Commission when applicable. Without such a requirement, public participation would not be maximized and coastal development permits that are appealable may not be appealed when appropriate. Because the amendment as proposed does not include a specific requirement to provide public notice, the amendment must be denied as submitted. However, if the proposed amendment were modified to include language that makes it clear that City action on a coastal development permit for a second residential unit must be publicly noticed (Suggested Modification No. 12), the amendment could be found to maximize public participation and to be internally consistent. Therefore, only if modified could the amendment be approved.

8. Chapter 25.22 Bed and Breakfast Inns

As proposed, the amendment would allow parking reductions as an incentive to provide Bed and Breakfast Inns in historic structures. However, no offsetting provision to promote

alternate means of transportation is proposed. Thus, the amendment is inconsistent with and inadequate to carry out the policies of the certified Land Use Plan and therefore must be denied as submitted.

However, if the amendment were modified to include a requirement that applications for the historic preservation incentive parking reduction were to include methods to be employed to encourage the use of alternative forms of transportation, the adverse impacts to public access and visitor serving uses would be offset. Alternate forms of transportation would be encouraged by providing amenities to guests of the Bed and Breakfast Inn such as the provision of bicycles for guest use, pick up/drop off service at local airports, train and bus stations, and/or providing information on the local public bus and City shuttle program. A map of the visitor amenities available within walking or bicycling distance could also be provided to B & B guests. In addition, encouraging employees to use alternate means of transportation coming to and from work including walking, bicycling and the use of public transportation would also help offset adverse impacts due to parking reductions. Therefore, if the amendment were modified as suggested (Suggested Modification No. 9) to include methods to be employed to encourage use of alternative forms of transportation, the proposed amendment could be found to be consistent with and adequate to carry out the public access and visitor serving policies of the certified Land Use Plan.

9. Section 25.05.030(D) Conditional Use Permits Public Notice

Ordinance No. 1271 proposes changes to Section 25.50 General Yard and Open Space, in particular to Section 25.50.012 Fences and Walls. Ordinance No. 1271 would add a requirement for fences around pools, would allow decorative features to exceed the maximum fence height by 12 inches subject to design review approval, adds the requirement that if a fence or similar structure is constructed in the rear or side yard it may not project into the front yard, allows pedestrian entry features to exceed the fence height limit up to a total height of eight feet and a total width of six feet.

Ordinance No. 1271 also proposes a change to section 25.05.030 (D) which would make changes to the Public Notice Section of the Section 25.05 regarding the processing of local City permits other than coastal development permits. However, the change proposed to Section 25.05.030(D) under Ordinance No. 1271 was subsequently superseded by Ordinance No. 1334. That ordinance was included in LPCA 1-07B. The language approved by the Commission under LCPA 1-07B for Section 25.05.030(D) raises no issue with regard to consistency with the certified LUP and also reflects the City's most recently approved language. Because the Commission is acting on changes contained in Ordinance No. 1271 after approving Ordinance No. 1334, unless a modification is suggested, the now outdated language reflected in Ordinance No. 1271 would become final. In order to have the IP reflect the most recent language adopted by the City and Commission, a modification is suggested (Suggested Modification No. 11) so that the City's current language for Section 25.05.030(D) as reflected in Ordinance No. 1334 (not in

the language in Ordinance No. 1271 [for Section 25.50030(D) only]) remains the language in the final certified IP.

10. Conclusion

Only if the proposed amendment is modified as suggested in Section II of this staff report, will it be consistent with and adequate to carry out the policies of the certified Land Use Plan.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) - exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program (LCP). The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in approving an LCP submittal to find that the LCP does conform with the provisions of CEQA, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. Sections 13542(a), 13540(f), and 13555(b). The City of Laguna Beach LCP amendment 1-07C consists of an amendment to both the Land Use Plan and Implementation Plan (IP).

As outlined in this staff report, the proposed LUP amendment is inconsistent with the Chapter 3 policies of the Coastal Act and the IP amendment is inconsistent with the policies of the certified Land Use Plan. However, if modified as suggested, the LUP amendment will be consistent with the Chapter 3 policies of the Coastal Act. In addition, if modified as suggested, the IP amendment will be consistent with the policies of the Land Use Plan. Thus, the Commission finds that the LUP amendment, if modified as suggested, is consistent with the Chapter 3 policies of the Coastal Act and that the IP amendment, if modified as suggested, is in conformity with and adequate to carry out the land use policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment as modified will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 1-07C if modified as suggested herein.

LGB-MAJ-1-07C

Exhibit List

Exhibit #	Description	Exhibit Included In Printed Version?	Exhibit Available On-Line and Included w/ Commissioner's Packet CD-ROM
1	LCP Submittal Resolution	Yes	Yes
2	Land Use Plan Amendment (Fuel Mod) Submittal Resolution; Copy of Certified Fuel Mod Plan; Copy of Proposed Fuel Mod Plan	Yes	Yes
3	Ord 1271 - Fences, Noticing, Artists Live/Work	No	Yes
4	Ord 1282 - Parking	Yes	Yes
5	Ord 1283 - Rear Yard Projections	No	Yes
6	Ord 1303 - Residential Hillside Protection Zone/PRDs	Yes	Yes
7	Ord 1305 - Parking/Sidewalk Cafes	Yes	Yes
8	Ord 1316 - Flood Protection	No	Yes
9	Ord 1320 - Telecommunication Facilities	Yes	Yes
10	Ord 1322 - Signs	No	Yes
11	Ord 1332 - Signs	No	Yes
12	Ord 1336 - Artists Live/Work	Yes	Yes
13	Ord 1344 - View Preservation/Heritage Trees	No	Yes
14	Ord 1346 - B&Bs	Yes	Yes
15	Ord 1347 - Lot Combinations in Arch Beach Heights	Yes	Yes
16	Ord 1351 - Library Impact Fee	No	Yes
17	Ord 1352 - Parkland In Lieu Fee	No	Yes
18	Ord 1353 - Short Term Lodging	No	Yes
19	Ord 1359 - Restaurants	No	Yes
20	Ord 1360 - Lot Coverage in R2	No	Yes
21	Ord 1386 - Telecommunication Facilities	Yes	Yes
22	Ord 1407 - Transportation Demand	No	Yes
23	Ord 1408 - Signs	No	Yes
24	Ord 1417 - Direct Access Standards	No	Yes
25	Ord 1419 - Council Approval of Subdivision Improvements	No	Yes
26	Ord 1424 - Signs	No	Yes
27	Ord 1427 - 2nd Residential Units	No	Yes
28	Ord 1433 - Industrial Zones	No	Yes
29	Ord 1435 - Flood Hazards	No	Yes
30	Ord 1436 - Signs	No	Yes
31	Letter from City of Laguna Beach3/17/08	Yes	Yes
32	Aerial Photos of Urban/Rural Boundary	No (to be included in addendum)	Yes

RESOLUTION NO. 04.068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 04-03 AND REQUESTING ITS CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to Government Code Section 65090 and Public Resources Code Sections 30503 and 30510, the Planning Commission of the City of Laguna Beach held public hearings to consider the adoption of Laguna Beach Local Coastal Program Amendment No. 04-03, and such amendment was recommended to the City Council for adoption; and

WHEREAS, the City Council, after giving notice as described by law, held at least one public meeting regarding the proposed Laguna Beach Local Coastal Program Amendment No. 04-03, and the City Council finds that the proposed amendment is consistent with the Certified Laguna Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act; and

WHEREAS, the City Council of the City of Laguna Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act.

NOW, THEREFORE, the City Council of the City of Laguna Beach does hereby resolve as follows:

SECTION 1. That Laguna Beach Local Coastal Program Amendment No. 04-03 is hereby approved, consisting of certain Ordinances pertaining to Municipal Code Amendments and a certain Resolution pertaining to a General Plan Safety Element Amendment, as listed below:

Ord./Reso.	Subject	Description
No. 1271	Zoning Ord. Amendment	Various
No. 1282	Zoning Ord. Amendment	Parking and Non-Conforming Uses
No. 1283	Zoning Ord. Amendment	Architectural Projections
No. 1295	Zoning Ord. Amendment	CC Reversal of PC or DRB Decision

Ord./Reso.	Subject	Description
No. 1303	ZOA/Muni. Code 21.14	R-HP Zone; PRDs
No. 1305	Zoning Ord. Amendment	Parking Incentive for Outdoor Cafes
No. 1306	Zoning Ord. Amendment	Parking Modifications
No. 1309	Zoning Ord. Amendment	Historic Preservation Incentives
No. 1312	Zoning Ord. Amendment	Design Review App. Requirements
No. 1316	Zoning Ord. Amendment	Flood Protection Measures-Downtown
No. 1320	Zoning Ord. Amendment	Telecommunications Facilities
No. 1326	Zoning Ord. Amendment	Prohibition of Mechanical Parking Lifts
No. 1332	Zoning Ord. Amendment	Murals and Sign Definitions
No. 1333	Zoning Ord. Amendment	Parking Related to Food Service
No. 1334	Zoning Ord. Amendment	Administration Chapter and Definitions
No. 1342	ZOA/GPA-Land Use Elemt.	Permanent Open Space until 12/20/28
No. 1344	Muni. Code-Chptr. 12.08	Heritage Trees
No. 1346	Zoning Ord. Amendment	Bed and Breakfast Inns
No. 1347	Zoning Ord. Amendment	Arch Beach Heights – Lot Combinations
No. 1351	Zoning Ord. Amendment	Library Impact Fee
No. 1352	Muni. Code – Title 21	Subdivision Park In-Lieu Fee
No. 1353	Zoning Ord. Amendment	Short-Term Lodging
No. 1354	Zoning Ord. Amendment	Parking for SFR/Duplex and Definitions
No. 1359	Zoning Ord. Amendment	Drive-In/Full Svc./Take-Out Restaurants
No. 1360	Zoning Ord. Amendment	SFR Lot Coverage in R-2 Zone
No. 1361	Zoning Ord. Amendment	Off-site Parking
No. 1373	Zoning Ord. Amendment	Garage Door Size Requirements
No. 1382	Zoning Ord. Amendment	Administration – Automatic Appeals
No. 1386	Zoning Ord. Amendment	Telecommunication Facilities
No. 1390	Zoning Ord. Amendment	Staking Certification Requirements
No. 1400	Zoning Ord. Amendment	Design Review for Pools/Spas
No. 1403	Zoning Ord. Amendment	Tents or Canvas/Plastic Enclosures
No. 1407	Zoning Ord. Amendment	Transportation Demand Management
No. 1408	Zoning Ord. Amendment	Sign Regulations
No. 1415	Zoning Ord. Amendment	Repealing Off-Site and Compact Parking
No. 1416	Zoning Ord. Amendment	Various – Addressing Mansionization
No. 1417	ZOA/Muni. Code - 21	Vehicular Access, Building Site Access
No. 1418	Zoning Ord. Amendment	Hedges Considered Fences in Yards
No. 1419	Muni. Code – Title 21	Subdivision Improvements
No. 1424	Zoning Ord. Amendment	Sign Regulations
No. 1427	Zoning Ord. Amendment	Second Residential Units
No. 1433	Zoning Ord. Amendment	M-1A & M-lB (Annexation Area)
No. 1435	Zoning Ord. Amendment	Special Flood Hazard Areas
No. 1436	Zoning Ord. Amendment	Sign Regulations
No. 95.047	General Plan Amendment	Safety Element Update

Copies of the aforesaid Ordinances and Resolution are attached hereto as Exhibits 1 through 45, respectively, and are incorporated by this reference as though fully set forth herein.

SECTION 3. That the California Coastal Commission is hereby requested to consider, approve and certify Local Coastal Program Amendment No. 04-03.

SECTION 4. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Laguna Beach Local Coastal Program Amendment No. 04-03 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Sections 30512, 30513 and 30519.

ADOPTED this 6th day of July, 2004.

Cheryl Kinsman, Mayor

ATTEST:

City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution No. 04.068 was duly adopted at a Regular Meeting of the City Council of said City held on July 6, 2004 by the following vote:

AYES: COUNCILMEMBER(S): Dicterow, Baglin, Iseman, Peterson, Kinsman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

City Clerk of the City of Laguna Beach, CA

RESOLUTION NO. 95.047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH APPROVING GENERAL PLAN AMENDMENT 95-01 - AN UPDATE OF THE CITY'S SAFETY ELEMENT OF THE GENERAL PLAN

WHEREAS, the City of Laguna Beach adopted the Seismic and Safety Element in 1979; and

WHEREAS, after the October 1993 firestorm, the City Council directed the Community Development Department to update the element; and

WHEREAS, the Planning Commission of the City of Laguna Beach, acting in accordance with the provisions of Section 65353 of California Planning and Zoning Law, conducted legally noticed public hearings regarding this proposal on February 22, 1995 and March 8, 1995; and

WHEREAS, the City Council of the City of Laguna Beach, acting in accordance with the provisions of Section 65355 of California Planning and Zoning Law conducted legally noticed public hearings regarding this proposal on March 21, 1995, April 18, 1995, April 24, 1995, and May 23, 1995; and

WHEREAS, the City Council has made the following findings:

1. An Initial Study was prepared and it was found that a Negative Declaration is appropriate. The proposed Negative Declaration was sent to all organizations and individuals who requested notice and was published in the newspaper of general circulation.

2. This general plan amendment leaves the general plan of the City of Laguna Beach a compatible, integrated,

and internally consistent statement of policies.

NOW, THEREFORE, BE IT RESOLVED that General Plan Amendment 95-01 which is an update of the City of Laguna Beach's Safety Element is hereby approved and shall be effective 30 days after final adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above decision was rendered on June 6, 1995, and is subject to California Code of Civil Procedure Section 1094.6 as adopted by Municipal Code Section 1.06.010, including the time limits for seeking judicial review of the decision.

ADOPTED this 6th day of June, 1995.

Kathleen Blackburn
Mayor

ATTEST:
Verna L Rollinger
City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the City Council of said City held on June 6, 1995, by the following vote:

AYES:	COUNCILMEMBER(S):	Freeman, Dicterow, Baglin, Peterson and Blackburn
NOES:	COUNCILMEMBER(S):	None
ABSENT:	COUNCILMEMBER(S):	None

Verna L Rollinger
City Clerk, Laguna Beach, California

Previously approved Fuel Modification Guidelines under Reso No. 89.104

Fire Hazard

The Safety Elements of the Orange County General Plan and Aliso Creek Corridor Specific Plan include major portions of the canyon and hillsides within a high fire hazard classification.

Major criteria utilized to establish the classification include (1) slopes over 30 percent; (2) medium to heavy fuel loading, predominantly of the coastal sage scrub and chaparral variety; and (3) frequent critical fire hazard weather conditions. The high fire hazard designation is based on the State Division of Forestry's Fire Hazard Classification System for California's Wildlands.

POLICIES

Geologic Hazards

1. In areas of new development along the ocean front, structures should be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 50 years. A geologic report could be required by the City in order to make this determination.

2. Within the required blufftop setback, drought-tolerant vegetation should be required.

3. Development and activity of any kind beyond the required bluff top setback should be constructed in a manner to insure that all surface and subsurface drainage will not contribute to the erosion of the bluff face or the stability of the bluff itself.

4. No development should be permitted on the bluff face, except for staircases or accessways to provide public beach access. Drainpipes should be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe, and beach. Drainage devices extending over the bluff face should not be permitted if the property can be drained away from the bluff face.

Fire Hazards

5. Provide appropriate fire protection for structures in high fire-potential areas by using fire-resistant building materials and adequate setbacks when required on natural slopes. The Fire Prevention Planning Task Force Report and Fuel Modification Program developed for the Monarch Point subdivision should be used as the basis for fire-prevention,

subject to the following guidelines and as described on the Fuel Modification exhibits.

6. Fuel Modification shall be included within the development boundary edge shown on Figure 3.

Fuel Modification Guidelines

The following Section is intended to provide guidelines for required and proposed fuel modification.

a. Hillside Areas

Fire hazard potentials shall be determined for projects proposed within the hillside areas by the Fire Department working in conjunction with a landscape architect. Factors such as types and moisture content of existing vegetation, prevailing winds, and topography shall be used to determine areas of fire hazard potential. Areas shall be ranked and mapped to identify fire prevention treatments and fuel modification zones.

For example, low fire hazard areas are typically located where existing vegetation has a year round high moisture content and the topography is relatively flat. Steep narrow canyons have a much higher fire hazard potential because heat and winds concentrate to drive the fire upwards, thereby creating a "chimney effect".

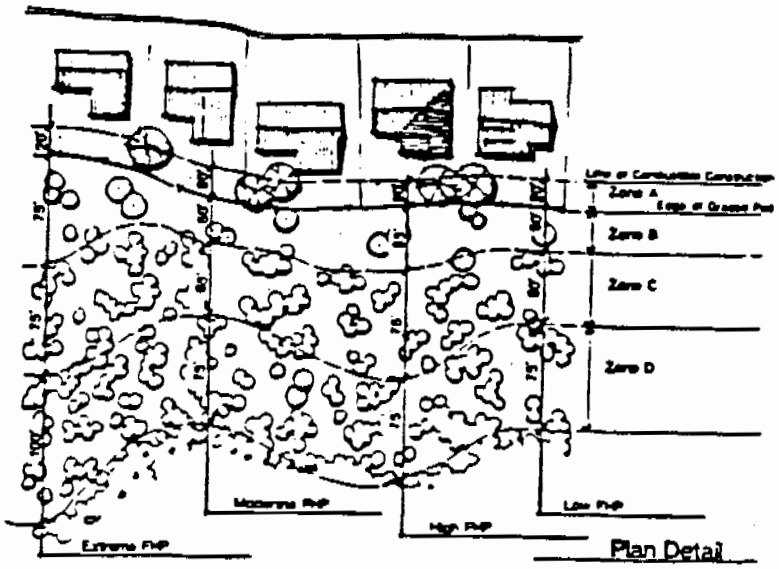
It is recommended that new development include a combination of required building material such as tile roof treatments, setback restrictions for combustible construction, irrigated buffer zones, and graduated fuel modification zones which entail selective thinning to control the heat and intensity of wildland fires. The minimum amount of native vegetation shall be selectively thinned to control the heat and intensity of wildland fires as they approach a residential area while preserving to the maximum extent feasible the quality of the natural areas surrounding the site.

(1) No combustible structures including, but not limited to, houses, wood decks, sheds, gazebos, and wood fences should be located within the 20-foot minimum width of Zone A. Irrigation systems must be installed and operated within this setback to ensure a reasonable moisture content in planted areas. Woody plants and tall trees should be discouraged.

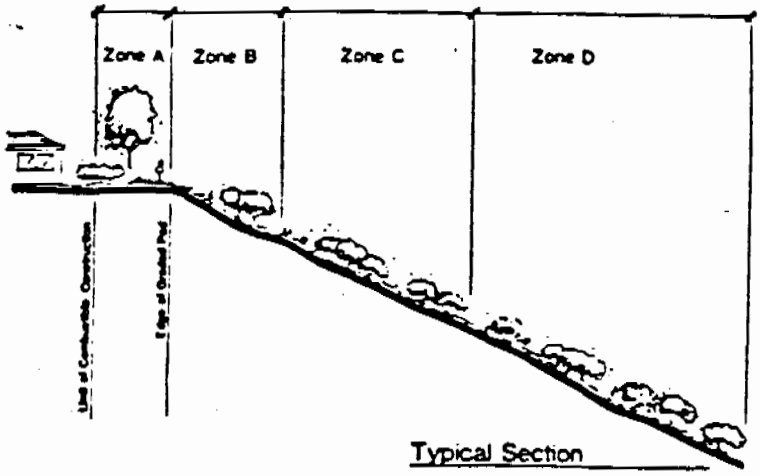
Fuel Modification Zone Dimensions

FHP Rating	Zone A	Zone B	Zone C	Zone D
Low FHP	20'	50'	50'	75'
Moderate FHP	20'	50'	65'	75'
High FHP	20'	65'	75'	75'
Extreme FHP	20'	75'	75'	100'

All measurments are to be made horizontally



Plan Detail



Typical Section

FUEL MODIFICATION EXHIBITS

(2) Fuel Modification Plans, substantially in compliance with the Fuel Modification Exhibits, should be prepared, when appropriate, as a condition of development to protect as much of the existing native vegetation as possible while providing reasonable protection for residential structures from fire hazards. Thinning of no more than 30% of native vegetation should extend beyond 170 feet from the outward edge of residential structures (or 150 feet from the 20-foot backyard setback) in extreme fire hazard potential areas. Fuel modification should not occur beyond 250 feet from the 20-foot backyard setback in the extremely hazardous zones. Fuel modification in low fire hazard potential areas should not extend more than 175 feet. Minimal irrigation during dry periods and fire repressant sprinklers for native vegetation are preferred methods to reduce the width or area of fuel modification.

The intent of the Fuel Modification area is not to become a static 250-foot wide band surrounding development, but rather an undulating width that reflects topography and fire hazard potential. The band should be as narrow as possible to protect proposed structures, but should not be wider than 250 feet in extremely hazardous areas.

(3) A Fuel Modification Plan should be subject to City review and approval prior to obtaining any building or grading permits. The Plan should identify appropriate setbacks and widths of fuel modification, amounts and types of vegetation to be removed and retained, and specify proposed irrigation methods to reduce the risk of fire in hillside areas.

(4) Access roads, trails or fire roads may be located within the fuel modification areas to reduce alteration of native vegetation.

(5) Where appropriate, as a condition of development, project developers shall record deed restrictions that acknowledge the fire hazard potential and assume responsibility for maintenance of fuel modification zones and programs.

b. Urban Fringe

The risk of fire at the base of hills adjacent to the existing urban area tends to be substantially less than that at the tops and upper slopes of ridges because fire normally accelerates upslope. Therefore, a limit for fuel modification in this area should be 150 feet from any habitable structure. In no event shall grading occur in the "Open Space" area and any vegetative thinning and/or replanting should be limited to within 150 feet of the structure. Likewise, this is the preferred maximum distance for fuel modification, but flexibility for narrower widths is appropriate.

POLICIES

1. Where native specimen vegetation is retained within fuel modification areas, these areas should be properly maintained to minimize fire risk.

2. Provide fuel breaks necessary for the protection of life and property as determined by the Fire Chief for community areas. Fuel modification should be limited to zones established adjacent to proposed or existing development. Graduated clearing and trimming should be utilized within these zones to provide a transition between undisturbed wildland areas and the development edge. Clearing or removal of native vegetation for fuel modification purposes should be minimized by placement of roads, trails, and other such man-made features between the development and wildland areas. To minimize fuel modification area, other techniques (such as perimeter roads, techniques using fire resistant materials, elimination of wood balconies and decks, fire retardant siding and tile roofs) should be incorporated in the design and development of projects.

Applicable pages from 1995 Safety Element

The Fire Department must also develop, implement and maintain a community and neighborhood hazard identification and abatement program to support defensible space management. Defensible space is the private property, usually landscaped, which is managed in such an manner that the ornamentals or native plants do not increase the fuel loading in relation to structures.

Fuel Modification Program

Through sound management of the vegetation and planting at the urban wildlands interface it is possible to increase moisture content and reduce fuel loading, thus moderating potential fire hazard. The process of changing the moisture content by adding irrigation or planting moisture-retentive plants and reducing the volume of shrubs and woody debris by thinning and removal is termed fuel modification. Thinning and removal can be accomplished by the use of hand crews or by a combination of manual removal and grazing. The City has used both methods to maintain fuel modification zones. In the past cattle grazed the Irvine and Moulton Ranches to the north and east; and in recent years the City has contracted with herders to have goats graze vegetation in planned bands between homes and naturally vegetated areas.

Fuel modification can be effective, with North Laguna as an example. Although located directly in the path of the fire, the North Laguna area did not suffer heavy loss of homes in the 1993 firestorm. This may be partly because of the fuel modification zone which had been thinned by supervised goat grazing one to two years before the firestorm occurred. These hills are also rich in moisture-retaining beavertail cactus, which is much slower to burn than dry sage scrub.

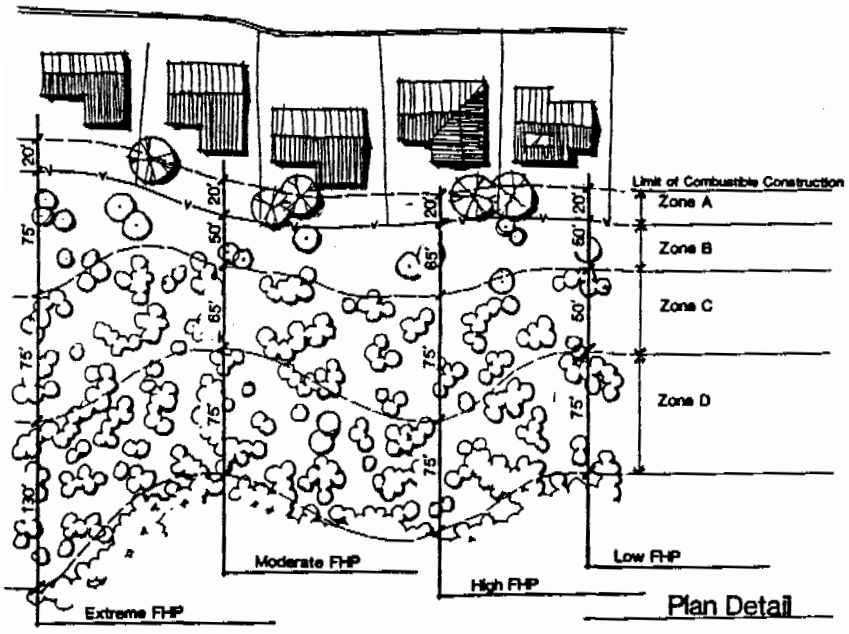
A typical recommended design for fuel modification zones is illustrated in Figure IV-1. The design shown in the figure consists of four zones varying in degree of modification between the structure and the unmodified natural vegetation. Management within these zones includes planting water-retentive, low-fuel shrubs and ground covers, adding irrigation, and doing graduated selective thinning of the vegetation to control the heat and intensity of wildland fires. Combustible structures such as decks, sheds, gazebos and wood fences should not be placed in any of the zones.

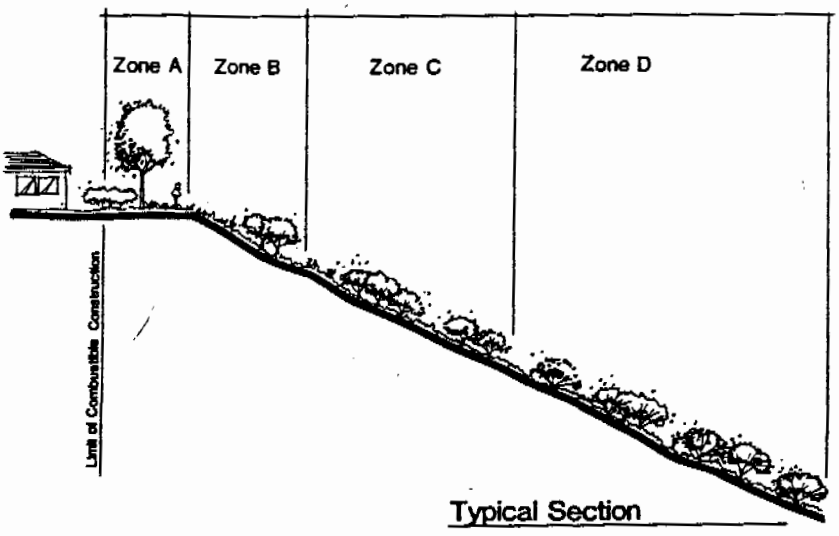
Balancing fire safety with protection of the native vegetation means that the width of the fuel modification zone must be weighed against the amount of vegetation to be removed. In general, if the fuel modification zone is kept very narrow, most of the vegetation will have to be removed. Conversely, a wider fuel modification zone will allow more of the vegetation to remain. A fuel modified area should be no less than about 200 feet wide due to flame tongues that alone can reach 200 feet during severe fire weather. The intent is that the width of the fuel modification area not be a set distance, but that it should be undulating in response to slope steepness and fire hazard potential.

Exhibit 2
Proposed Fuel Modification Program 8 of 12

Figure IV-1

Fuel Modification Exhibit





ZONE A - (minimum of 20 ft. wide)
The purpose of this setback is to provide a defensible space for fire suppression forces and to protect structures from radiant and convective heat. This part of the fuel modification program is closest to the home. It is relatively flat and is typically the rear portion of the home's irrigated landscaped garden area.

ZONE B - (50 ft. to 75 ft. wide)
This is typically an area steeply sloping away from the home. It should be irrigated and planted with drought-tolerant, deep-rooted, moisture-retentive plants. Most of the native plants should be removed, although specimen shrubs could be thinned and preserved, if they were spaced away from continuous shrub masses.

ZONE C - (50 ft. to 75 ft. wide)
Further down the slope, this zone is not irrigated. Plants considered to be highly flammable (such as buckwheat, sage and sage brush) are removed. Other shrubs in this zone are thinned and cleaned of dead wood. Some may be removed in order to attain spacing between shrubs. Removal and extent of thinning is graduated with maximum amount done adjacent to Zone B and a lesser amount adjacent to Zone D. Removal is approximately 50% in Zone C, although percentages of removal would be recommended on site by the Fire Department depending on the conditions and type of vegetation.

ZONE D - (75 ft. to 130 ft. wide)
This is similar to Zone C, but with fewer shrubs being removed. Removal and thinning would typically be approximately 30% adjacent to Zone C, graduating to no removal at the farthest extent of the Zone.

Proposed Fuel Modification Program

Exhibit 2
9 of 12

The canyon and hillside areas classified as high hazard areas often contain sensitive native vegetation, including endangered, rare and locally important plants and animal habitat. Consequently, fuel modification programs must include measures to balance fire safety and protection of sensitive plant species and habitat for rare, threatened or endangered wildlife species.

To accomplish the objectives of maintaining fire safety while protecting sensitive native vegetation, slope stability and the integrity of natural areas, a fire protection program should incorporate a combination of the following:

- fire-resistant building materials;
- minimizing combustible materials (including plantings, decks, fencing and firewood) around the home;
- setback of combustible construction from the wildlands area;
- irrigated buffer zones; and
- fuel modification zones.

By employing a combination of all of these prevention techniques (rather than relying on vegetation removal alone), a higher level of safety can be achieved, the quality of natural areas can be preserved and risk of erosion and slope stability can be minimized.

Annual maintenance of pruning and removal of dry and dead materials is needed to assure that the fuel modification areas continue to provide an area of reduced fire hazard.

Fuel modification can occur on private or public land, but modification performed by private property owners cannot go beyond property lines without agreement by the adjacent property owners. In cases where fuel modification is needed on public land, a fuel modification easement can be granted to the adjacent private party assigning the private party maintenance and liability responsibility.

While in most areas of the City with existing homes the concepts of fuel modification must be applied to remedy, as much as possible, a less than ideal situation, owners of undeveloped properties and lots should conduct site planning from the beginning of project design to create proper zones and setbacks, and to site structures at the safest locations in terms of fire danger. Responsibility for the continued maintenance of fuel modification areas also needs to be defined and structured.

In 1963 Orange County initiated a fuel break program, and as a participant, the City of Laguna Beach took remedial action to address this persistent problem area -- the natural resource (open space)/urban interface. The City Council has since directed the Fire Department to implement a program, supported by the proper funding mechanisms, to widen existing fuel modifications and extend the program into the southern-most border of South Laguna and to install/construct

fuel breaks in the interior canyon areas of Park Avenue/Hidden Valley, Rimrock Canyon, Bluebird Canyon, Diamond/Crestview and Oro Canyon. The City will be working with the Coastal Greenbelt Authority, the City of Laguna Niguel and respective neighborhood associations including Emerald Bay, Laguna Sur and Monarch Point and the Orange County Harbors, Beaches and Parks Department to support more aggressive wildland management techniques which will provide younger fuel beds, support less flame intensity, and provide a mosaic pattern of different ages of fuels, all of which will help reduce wildfire exposure.

Planning and Maintenance of Outdoor Areas Adjacent to Homes

While fuel modification deals with the treatment of the urban/wildlands interface, the concept of defensible space applies to all areas of the City. Creation of defensible space means the arrangement of access on the property for ease of fire fighting and maintenance of properties to minimize buildup of fuel that could ignite and cause fire to spread to the home.

Better access for fire fighting should include the following:

- providing safe walkways around all sides of the house; and
- keeping side yards unobstructed and free of flammable stored items.

Maintenance for fire safety should include the following:

- thinning of planting to remove dead wood and to reduce build-up of branches and foliage;
- removal of dried leaves and grasses, dead limbs and twigs, and chipping, composting and mulching planting areas where feasible;
- spacing and pruning of trees and shrubs to avoid continuous canopies and "fuel ladders" from ground to canopy;
- removal of plants growing up under eaves;
- pruning of tree branches and shrubs within ten feet of a chimney;
- removal of leaves, pine needles and debris from roofs and rain gutters;
- removal of combustible stored material and debris from around and under the house and decks; and
- stacking of firewood as far away from the home as possible.

When planning the landscape of a home, access for fire fighting should be considered in the design. Maintenance considerations outlined above should be considered in the choice and placement of plantings. Adjacent to the natural vegetation areas, construction of combustible structures--fences, decks, and gazebos should be minimized. Wood decks with open areas underneath should be enclosed to reduce potential for ignition from fires below.

Planting and Fire-wise Plant Choices

While much has been written and suggested regarding fire-resistant or fire-retardant plantings, the 1993 fire demonstrated that any plant will burn. However, reasonable planting selections combined with sound arrangement and spacing and good maintenance can improve the chance that a structure will survive a wildlands fire. Lists of suggested and not-recommended plants for the wildlands interface zone have been prepared by many public agencies, including the Orange County Task Force, County of Los Angeles Fire Department and the City of Oakland, as well as by the garden publications. The County of Orange Report of the Wildland/Urban Interface Task Force, July 1994, also includes a recommended plant list for fuel modification zones. A comparison of these often conflicting lists reveals certain criteria for fire-wise planting as follows:

- Low fuel volume;
- High moisture content;
- High salt content;
- Low aromatic oil content;
- Low heat value;
- Minimal production of dry litter; and
- Suited to the site and climatic conditions so that plants will be healthy.

Consistently "not-recommended" plants include conifers--pines, cypress, cedar and junipers. Also "not-recommended" are acacia, bougainvillea and ornamental grasses. Eucalyptus is also "not-recommended" on many lists because of the high aromatic oil content and the tendency of some species to produce high amounts of dry litter. The use of "not-recommended plants" should be avoided adjacent to natural vegetation areas.

Because of Eucalyptus's dominance in the landscape of Laguna Beach, it is important to look at this genus in more detail. There are over 700 species of Eucalyptus, and they vary greatly in their size, fuel volume and litter production. An unmaintained Blue Gum, for example, has a great deal more flammable material in its shedding bark, leaf litter and branches than a Lemon Gum. Many of the Lemon Gums survived the 1993 fire with some charred trunks and loss of foliage. The County of Orange Report of the Wildland/Urban Interface Task Force did not single out or condemn Eucalyptus. It emphasized irrigation, thinning and spacing as keys to any fire-safe landscape.

Irrigation, thinning and clean-up to keep the amount of litter and dried materials low, arrangement and spacing to avoid continuous canopies, and keeping foliage away from structures are as important as the type of plants chosen.

ORDINANCE NO. 1271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING PORTIONS OF CHAPTER 25 OF THE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The following sections of Chapter 25 of the Municipal Code are hereby added, amended, or deleted to read as follows:

Section 25.05.030(D) shall be amended to read as follows:

Public Notice. Public Notice is subject to the provisions of Municipal Code Section 25.05.065 (C) and (D) except that the requirements for newspaper advertising be deleted and that, for projects located in the Downtown Specific Plan Area, the notice shall include all residents and/or tenants within 300-feet of the subject property.

Section 25.12.006(J)(2) shall be amended to read as follows:

The use must be in accordance with all the standards set forth in Sections 25.32.003(J), 25.32.006, and 25.32.007 with the following exceptions:

(a) There shall be no more than one artist joint living and working unit per three thousand square feet of net lot area,

(b) Building setbacks shall be determined by the Design Review Board, but in no instance shall be less than twenty feet where a property line directly abuts R-1 Zones,

(c) Minor retail functions as specified in Section

25.32.007(B) ~~shall be prohibited.~~

Section 25.50.012(A) shall be amended to read as follows:

Required fences and walls. A solid wall or fence not less than five feet in height above the finished grade adjoining the fence outside the yard shall be provided to enclose any unattended swimming pool to which access could be gained from a street, alley or other parcel. The fence shall have self-closing gates at least five feet high with a self-latching mechanism. Latches shall be installed at least four feet above ground level.

Section 25.50.012(B)(1) shall be amended to read as follows:

Fences or walls not more than four feet in height may be erected, installed or maintained within the front yard, except that on a corner lot a fence or wall no higher than three feet shall be permitted within the front yard. Fence height shall be determined as the height of the top of the fence above the natural grade immediately adjacent to the location of the fence. Decorative features such as fence posts, brick or stone columns may extend up to twelve (12) inches above the maximum allowable height within the front yard subject to Design Review as provided for in Section 25.05.040.

Section 25.50.012 (B) (3) shall be amended to read as follows:

A fence, wall, latticework or screen with a height no greater than six feet may be installed, erected, or maintained within the rear yard or within the side yards of any lot, provided such obstructions do not project into the required front yard space. The fence height limit of this paragraph shall apply to the height of a retaining wall, the purpose of which is to create an artificial yard elevation. Fence height shall be determined as the

~~height of the top of the fence above the natural grade immediately~~ adjacent to the location of the fence.

The following sub-section shall be added to Section 25.50.012(B) to read as follows:

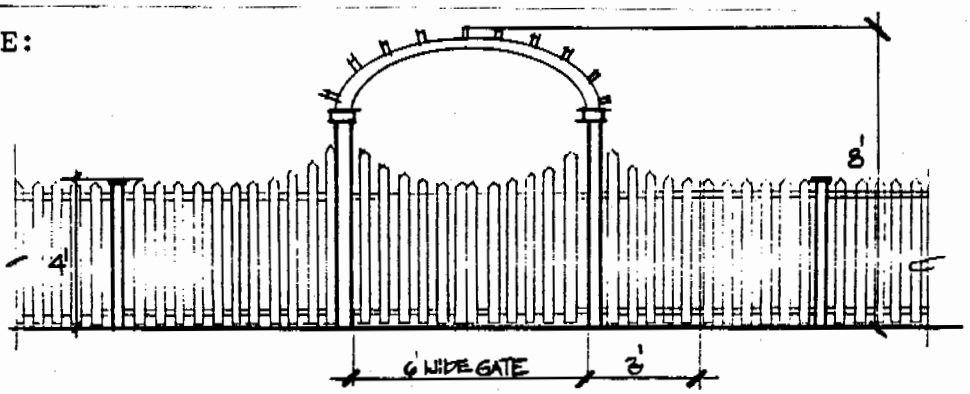
(6) Pedestrian entry features which only includes arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to Design Review as provided for in Section 25.05.040 and the following standards:

(a) The maximum height shall not exceed eight feet.

(b) The maximum pedestrian entry width shall not exceed six feet.

(c) The maximum width of each side of the pedestrian entry for which there is proposed an architectural transition from the normal fence height shall not exceed three feet.

EXAMPLE:



SECTION 2. The City Clerk of the City of Laguna Beach shall certify passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective 30 days after the date of its adoption.

SECTION 3. This Ordinance is intended to be of citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent

~~herewith shall be and the same are hereby repealed to the extent of~~ such inconsistency and no further.

ADOPTED this 17 day of August, 1993

Ann Christoph
Mayor Pro Tem

ATTEST:
Verna L Rollinger
City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was duly introduced at a Regular meeting of the City Council of said City held on July 20, 1993 and duly adopted on the 17th day of August, 1993 by the following vote:

AYES:	COUNCILMEMBER(s)	Gentry, Blackburn, Peterson, Christoph
NOES:	COUNCILMEMBER(s)	none
ABSENT:	COUNCILMEMBER(s)	Lenney

Verna L Rollinger
City Clerk, Laguna Beach, California

ORDINANCE NO. 1282

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING PORTIONS OF CHAPTER 25 OF THE MUNICIPAL CODE RELATING TO PARKING REQUIREMENTS AND NONCONFORMING USES

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The following sections of Chapter 25 of the Municipal Code are hereby added, amended or deleted to read as follows:

The following definition shall be added to Section 25.08.018 for words beginning with "I":

"Intensification of use" means a use that is changed to a use which has a greater parking requirement; the subdivision of an existing building or suite by interior walls to accommodate additional uses; or, the enlargement of the floor area of an existing building.

The following definition in Section 25.08.028 for words beginning with "P" shall be amended to read as follows:

"Parking space" means space, exclusive of drivewys, ramps, columns, loading areas, office or work areas within a building or open parking area for the parking of one automobile. A parking space ~~shall not be less than eight feet in width, twenty feet in length and~~ shall be accessible and usable for the parking of a standard passenger motor vehicle, without the necessity of moving another vehicle for its ingress or egress. For commercial uses, a parking space may be so located as to require the movement of another vehicle or vehicles for its ingress and egress, but when so located will be designated an attendant parking space, and will require a qualified car-moving attendant to be on the premises and available to move cars whenever the commercial use is in operation.

The following definition in Section 25.08.032 for words beginning with "R" shall be amended to read as follows:

"Restaurant, take-out" means a business which primarily prepares food ~~or serves prepackaged/precooked food or packaged food~~ cooked on the premises intended for off-site consumption but which may also provide seating. ~~This category shall include food service establishments such as delicatessens, bakeries, ice cream stores, candy stores and other similar uses. The terms "restaurant" and "food service" are considered interchangeable.~~

Chapter 25.52 regarding parking requirements shall be amended to read as follows:

Chapter 25.52

PARKING REQUIREMENTS

Sections:

25.52.002 Intent and purpose.

The provisions of this chapter have been established to ensure that adequate off-street parking is provided to meet the parking needs of uses located within the City.

25.52.004 General provisions.

(A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required, these requirements may be increased if it is determined that the parking standards are inadequate for a specific project, or decreased subject to the provisions of Section 25.52.006(H). The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.

(B) Location of Parking.

(1) Required parking spaces for residential uses shall be located on the same building site and shall be directly accessible from a street improved to subdivision standards or from a usable vehicular right-of-way of record.

(2) Required parking spaces for nonresidential uses, including hotels, shall be provided on-site. Parking spaces for such uses, however, may also be located within three hundred feet of the establishment they serve subject to the provisions of Section 25.52.006(C).

(3) Property within the right-of-way of a street (either public or private) shall not be used to provide the minimum parking requirements or loading facilities.

(C) Accessibility and Usability.

(1) All required parking spaces for commercial and industrial uses shall be designed and maintained so as to be fully and independently usable and accessible during hours of operation. Required parking areas, including residential parking, shall not be used for any purpose which would preclude the use of the area for the parking of motor vehicles. The storage of materials, motor vehicles for sale, recreational vehicles, wrecked or inoperable vehicles or the repair of vehicles in areas designated for off-street parking is prohibited.

(2) No required parking area or parking space shall be eliminated, reduced or converted in any manner unless equivalent facilities approved by the City are provided elsewhere in conformity with this chapter.

(D) Parking Spaces for the Physically Handicapped. Handicapped parking spaces shall be provided in accordance with the requirements set forth in the State Building Code and other applicable laws and regulations and shall be counted in fulfilling parking requirements.

(E) Intensification of Use ~~or Expansion of Floor Area~~.
1. When a use ~~within an existing building~~ is changed to ~~another~~ a use ~~having~~ which has a greater parking requirement or when the floor area within an existing building or suite is ~~physically divided~~ subdivided by interior walls to accommodate additional uses ~~or businesses~~, or when the floor area of an existing ~~use~~ building is enlarged, ~~the parking for such new or enlarged uses shall be provided in accordance with the current requirements based on the entire square footage, or other means as specified in Section 25.52.012 less any parking credits as provided for, pursuant to Section 25.56.011.~~ then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the proposed use having a greater parking requirement, for the uses proposed in the pre-subdivided suite or building, or for the entire building which is enlarged less credit for the following:

a. the actual number of parking spaces provided on-site, if any;

b. the number of previously paid for in-lieu parking certificates for the subject premises, if any; and,

c. the number of parking spaces that would have been required by the parking regulations in effect in 1958 for the use currently existing on the property, if the building was built prior to that time, minus the

actual number of parking spaces provided on-site, if any.

~~Note:~~ In a situation where an enlargement results in the creation of no more than ten percent additional square footage of floor area, ~~(~~not exceeding five hundred square feet~~)~~, the required additional parking ~~is required~~ shall be provided ~~only~~ for the enlarged area only.

2. When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

25.52.006 Special provisions.

(A) ~~Joint Use of~~ Common Parking Areas. Common parking facilities may be provided to satisfy the on-site requirements contained herein if the sum of the spaces in the common facility equals the sum of the spaces required for the individual developments/uses, subject to the following minimum conditions:

(1) ~~An approved~~ parking allocation plan shall be ~~submitted~~ approved by the Planning Commission showing all common parking areas and shall be kept on file in the Department of Community Development.

(2) Where more than one business occurs and common parking areas are ~~shared~~ utilized, each business must have access to its proportional ~~share~~ allotment of the spaces, i.e., no allocation or validation program will be allowed which prevents any tenant from the use of his proportionate ~~share~~ allocation of parking.

(3) A ~~written agreement~~ reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the parking spaces are located and shall be kept on file in the Department of Community Development. Such agreement shall ensure the continued availability of the number of spaces allocated to each use.

(B) Joint Use of Parking Spaces. Two or more uses with different hours of operation may utilize the same parking spaces to satisfy their respective parking requirements subject to the granting of a conditional use permit and the following minimum conditions:

(1) There shall be no conflict or overlap between the hours of operation for each use utilizing ~~shared~~ the same

parking spaces.

(2) ~~An approved~~ parking allocation plan showing all ~~shared~~ jointly used parking shall be submitted prior to ~~issuance~~ approval of the conditional use permit by the Planning Commission and shall be kept on file in the Department of Community Development.

(3) A ~~written agreement~~ reciprocal parking easement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located and shall be kept on file in the Department of Community Development. Such agreement shall ensure the continued availability of the number of spaces designated for joint use at the periods of time indicated.

(C) Off-site Parking Spaces. Required parking for nonresidential uses may be met by providing off-site parking within three hundred feet of the establishment or as approved by the Planning Commission, subject to the granting of a conditional use permit and the following minimum conditions:

(1) The parking spaces are not necessary to satisfy the parking requirements of the site on which the spaces are located.

(2) A detailed parking plan indicating the location of parking spaces shall be submitted prior to issuance of the conditional use permit.

(3) A written agreement in a form satisfactory to the City shall be executed by the parties involved and by the owner of the property where the spaces are located, recorded in the office of the County Recorder against the title and shall be kept on file in the Department of Community Development. Annual proof of the validity of the lease shall be filed. Such agreement shall ensure the continued availability of the number of spaces required ~~for the use~~ for the duration of the proposed use. The minimum lease term shall be one year. If the approved off-site parking becomes unavailable for any reason alternative off-site parking meeting the conditions herein must be found or the associated business license, conditional use permit and certificate of use and occupancy shall automatically become null and void.

(4) Appropriate signage will be required at the establishment and the off-site parking area.

(5) The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination the following factors, among other things, shall be considered by the Planning

Commission:

a. Proximity of the off-site parking facilities (no greater than 300 feet distance is the advisable performance standard);

b. Ease of pedestrian access to the off-site parking facilities;

c. The type of use the off-site parking facilities are intended to serve (for example, off-site parking may not be appropriate for high turnover uses such as retail or restaurants).

(D) ~~Mixed-Uses~~ Shared Parking. A reduction from parking space requirements as specified in Section 25.52.012, may be allowed for certain mixed use developments which have different peak hours of operation or intensity of use subject to the granting of a conditional use permit and the following minimum conditions:

(1) A shared parking study prepared by a licensed traffic engineer with experience in performing shared parking studies shall be submitted which demonstrates that the development will result in a more efficient use of proposed or provided parking because the combined peak parking demand is less than the normal standards due to different, off-setting parking activity or intensity patterns of the businesses in the development, or there is a relationship among the uses that results in the attraction of patrons or customers to two or more uses with a single auto trip to the development.

(2) A shared parking allocation plan showing all shared parking shall be submitted as part of the conditional use permit application. The number of spaces required for an approved shared parking plan shall be based on the number of spaces estimated to be the combined use peak parking demand. In addition, a well balanced mixture of uses within the development must be demonstrated. No more than 35% of the entire leasable floor area of a development may be allocated for full service restaurants, including any common seating area, and no more than 5% of the entire leasable floor area of a development may be allocated for take-out restaurants, including any common seating area, if allowed.

(E) Valet Parking. A parking area providing attendants to park motor vehicles at all times when the use or structure is open, may be used to fulfill parking requirements subject to a conditional use permit and presentation of a parking plan and program. The drop-off and pick-up areas must be safe from traffic hazards and be adequately posted. The valet parking area(s) must be off-street and

comply with the provisions of 25.52.006(A), regarding common or joint parking areas. If an approved off-site valet parking area(s) becomes unavailable for any reason, the associated business license, conditional use permit and certificate of use and occupancy shall automatically become null and void.

(F) Special Parking Districts-In-Lieu Parking Certificates. For areas designated by the City Council to be hardship areas and for which special districts are formed for the purpose of providing central or common parking facilities, the City Council may grant relief from the requirements of this section, to the extent that an individual property owner or lessee participates in or contributes to parking in the central facility by acquiring in-lieu parking certificates equivalent to the number of spaces required for his or her individual development, up to a maximum of three certificates for any one site. (Fees for such in lieu parking certificates shall be established by resolution of the City Council.) ~~Refer to Section 25.56.011 for certificate requirements in connection with nonconforming buildings, uses and parking.~~ All in-lieu parking certificates shall be paid prior to the issuance of the first permit (any business license or building permit), except as provided in this section. At the discretion of the City Council where economic hardship is determined, the City Council may defer payment of up to 40% of the value of the total certificates. At least 60% of the value of the total certificates shall be paid prior to the issuance of the project permit or license, and the remaining balance shall accrue interest set at the prime interest rate fixed by the City Manager on the date the first permit or license is issued. The balance owed, including interest (that will be subject to a payment schedule approved by the City Council not to exceed five years), shall be established by a promissory note which is secured by a Deed of Trust.

(G) Spaces for Bicycles. The Planning Commission or Design Review Board may require the provision of bicycle racks or bicycle parking facilities in any development submitted for development review. If such bicycle parking facilities are required, the location and design of such facilities shall be shown on the site plans and shall be subject to approval.

(H) Incentives. The City Council may approve a Conditional Use Permit, upon recommendation by the Planning Commission, to reduce the parking standards required under this chapter where one or more of the following conditions apply:

1. The proposed use is a very low or low income, or disabled housing project.

2. The proposed use is considered to be less intense than the previous use.

3. The proposed use provides for or promotes the use of alternative modes of transportation such as ridesharing, carpools, vanpools, public transit, bicycles and walking.

25.52.008 Design of parking space facilities.

The following are minimum standards unless otherwise stated:

(A) Size of Spaces and Parking Bay Dimensions (in feet).

(1) Residential (covered in a garage or carport): eight feet eight inches by eighteen feet each space;

(2) Parallel parking space: eight feet ~~zero inches~~ by twenty-two feet each space;

(3) Handicapped spaces: ~~State requirements vary~~ As required by the most recent version of the California Building Code (Part 2 of Title 24 of the California Code of Regulations);

(4) Compact stall: eight feet ~~zero inches~~ by fifteen feet each space;

(5) All others: eight feet four inches by eighteen feet each space;

(6) Loading space (See subsection (G)): ten feet ~~zero inches~~ by thirty-five feet by fourteen feet in height each space;

(7) Parking bay dimensions. The minimum width of each parking bay shall be clear of all obstructions and shall be determined by the stall width and parking angle in accordance with the following tables: (Where parking stalls of two bays interlock, the parking bays may overlap.)

[Parking Table]

PARKING ANGLE	COMPACT STALL 8' 0" WIDE						8' 4" STALL					
	AISLE		ONE ROW		TWO ROWS		AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30°	12'	18'	26' 7"	32' 7"	41'	47'	11' 2"	20'	27' 7"	36' 5"	44'	52' 10"
40°	12'	18'	28'	34'	44'	50'	11' 5"	20'	29' 7"	38' 2"	47' 8"	56' 3"
50°	12'	18'	29' 2"	35' 2"	46' 3"	52' 3"	12' 9"	20'	32'	39' 4"	51' 4"	58' 8"
60°	14'	18'	31' 8"	35' 8"	49' 3"	53' 3"	15' 3"	20'	35'	39' 10"	54' 10"	59' 8"
70°	15'	18'	32' 8"	35' 8"	50' 3"	53' 3"	18' 3"	20'	38'	39' 10"	57' 10"	59' 8"
80°	18'	18'	35' 2"	35' 2"	52' 3"	52' 3"	21' 10"	21' 10"	41'	41'	60' 3"	60' 3"
90°	18'	18'	34'	34'	50'	50'	24'	24'	42'	42'	60'	60'

PARKING ANGLE	9' 0" STALL						10' 0" STALL					
	AISLE		ONE ROW		TWO ROWS		AISLE		ONE ROW		TWO ROWS	
	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY	ONE WAY	TWO WAY
30°	10' 9"	20'	27' 7"	36' 10"	44' 4"	53' 8"	9' 4"	20'	27'	37' 9"	44' 9"	55' 5"
40°	11'	20'	29' 7"	38' 2"	47' 8"	57'	9' 4"	20'	28' 7"	39' 3"	47' 9"	58' 5"
50°	11' 5"	20'	31'	39' 8"	50' 8"	59' 3"	10'	20'	30' 2"	40' 3"	50' 4"	60' 5"
60°	14'	20'	34'	40'	54'	60'	10' 5"	20'	31'	40' 8"	51' 8"	61' 3"
70°	17'	20'	37'	40'	57'	60'	13' 9"	20'	34'	40' 4"	54' 4"	60' 8"
80°	19' 9"	20'	39'	39' 4"	58' 4"	58' 8"	17' 7"	20'	37'	39' 7"	56' 7"	59'
90°	22'	22'	40'	40'	58'	58'	20'	20'	38'	38'	56'	56'

(B) Pavement. All parking stalls, driveways and maneuvering areas shall be paved and permanently maintained with asphalt concrete, concrete or any other stable, all-weather surfacing approved by the Director of Community Development and subject to current City standards.

(C) Additional Parking Stall Width Requirements. Every parking stall, other than those provided for a one-family or two-family dwelling, which is adjoined on either side of its longer dimension by an obstruction which is located less than three feet from the access aisle measured along the length of the stall shall have its minimum width increased by at least twenty-four inches measured from the obstruction.

(D) Tandem Parking. Residential tandem parking is allowed in a private garage or private parking area serving an apartment house, two-family dwelling or multiple or group dwelling where the depth of the tandem parking is not more than two cars~~, in depth~~, and provided that both spaces are for the same dwelling unit.

(E) On-Site Turn-Around. On-site turnaround capability is required when accessing streets in commercial and industrial zones and may be required in residential zones as set forth in Section 25.53.004(C).

(F) Encroachment. In all zones, excluding residential, parking areas shall be so designed that no vehicle shall be required to encroach into a street or sidewalk in backing out of a parking space.

(G) Loading Space Requirements. Loading spaces for the loading and unloading of merchandise and/or supplies may be required for individual uses by the Design Review Board. Exception: Loading spaces shall be required in accordance with their respective zones as indicated in Chapter 25.18 and Chapter 25.32. The Design Review Board may modify this requirement when the applicant can demonstrate that impacts to pedestrian safety and off-site traffic circulation are negligible and that the nature of the business does not necessitate the provision of a loading space.

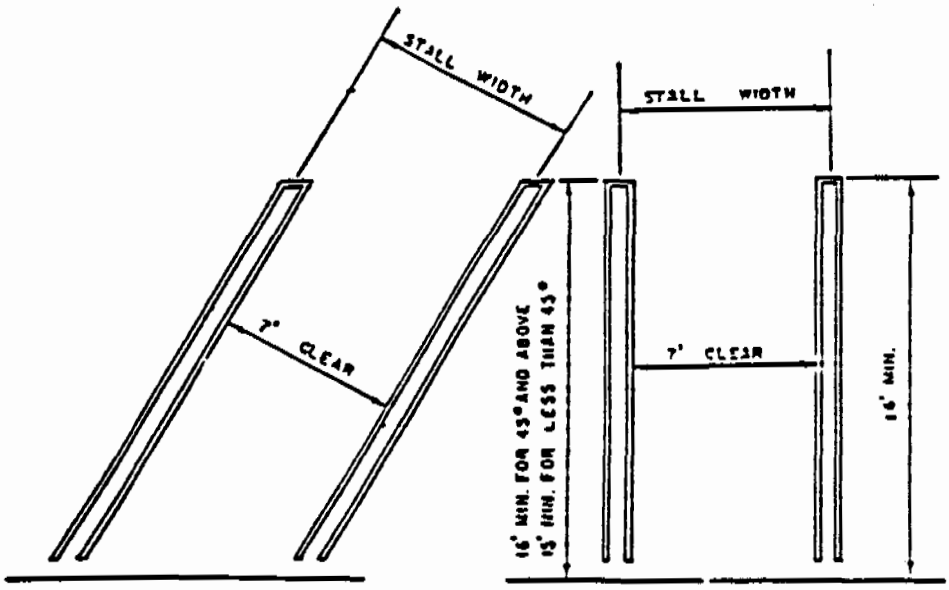
(H) Striping and Identification.

(1) Automobile. All nonresidential parking stalls shall be clearly outlined with double lines on the surface of the parking facility (see Chart No.1).

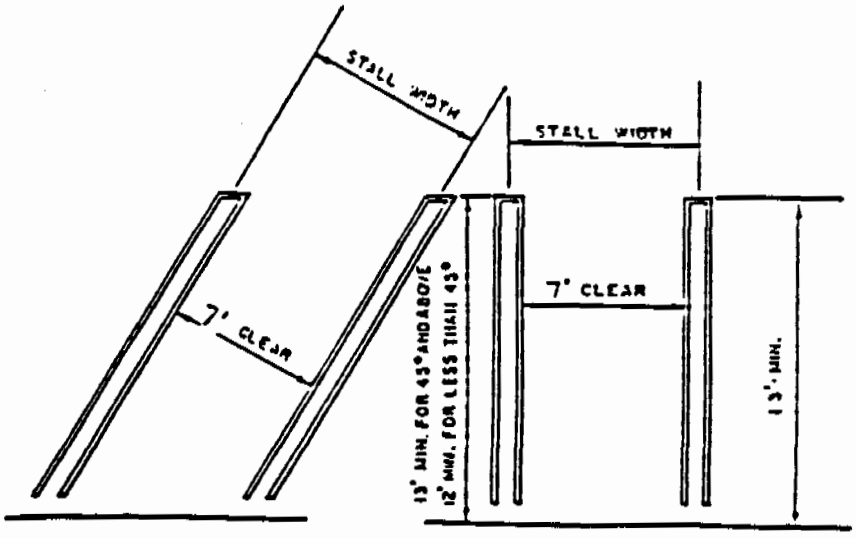
STRIPING FOR PARKING STALLS

Chart No. 1

Standard Parking Stalls



Compact Parking Stalls



(2) Handicapped. Handicapped spaces, when required, shall be striped and marked according to the applicable state standards.

(3) Compact. Every stall designed to accommodate compact cars shall be clearly marked as a compact stall with letters six inches high and labeled at the stall entrance and shall be designed to be concentrated in one area where possible, for ease of identification.

(I) Driveways.

(1) Location. Access driveways to every parking area and garage shall be designed in a manner to provide the minimum practical interference with the use of adjacent property and with pedestrian or vehicular traffic. The driveway locations are subject to the Design Review Board approval and the City Engineer's review.

~~The length and width of a~~ Access driveways in hillside areas should be ~~minimized whenever feasible in order to reduce~~ located and designed to minimize the effects of hillside grading, drainage runoff, erosion and intrusion into habitat, viewshed and other environmentally sensitive areas.

(2) Width. Every private access driveway shall be at least ten feet in width; each common access driveway serving two to four residential units shall be at least sixteen feet wide; all other driveways shall be at least twenty feet wide.

The minimum driveway width shall be increased as necessary to provide sufficient clearance and direct access, as measured at right angles, to garage and parking facilities, and shall maintain such additional width for an unobstructed back-up area of at least twenty-five feet measured from the face of the garage or parking area, excepting parking bays designed in accordance with subsection (A)(7) of this section.

(3) Driveway and Ramp Slopes.

(a) Driveways and vehicle accessways shall not exceed an average gradient of ten percent within the first twenty feet off a street or alley right-of-way, and the remaining slope of every driveway or accessway shall not exceed an average gradient (average rate of incline) of fifteen percent.

Exception: In cases where an existing driveway being used for access has to be modified because of an approved public or privately-sponsored street improvement project, such grade may exceed the normal requirements provided the

design is approved by the Director of Community Development and the City Engineer. Transition slopes shall be designed to the standards established by the City and commonly known as the Construction Standards and Specifications for the Construction of Public Works in the City of Laguna Beach.

(b) For the purpose of calculating the driveway grade, the elevation of the property line or the street plan line (the more restrictive shall apply) shall be a minimum of three and one-half inches on curbed streets, or five inches on non-curbed streets, above the elevation of the centerline of the street improvement. Access to alley shall be three inches above alley improvement centerline gradient, measured at the property line.

Exception: In cases where it can be determined with reasonable certainty that a street will not be the subject of future widening, the elevation above the centerline street improvement gradient may be taken at points other than at the property line subject to approval by the Director of Community Development; provided, however, that any driveway grade resulting therefrom does not exceed a ten percent maximum within the right-of-way.

(J) Parking Area Design.

(1) Internal Circulation. All portions of public parking areas or garages shall be accessible to all other portions thereof without requiring the use of any public street. The Design Review Board may grant an exception to this requirement when the applicant can show that the impact on street traffic will be negligible and that additional parking beyond the required spaces for the project will be provided.

(2) Entrances and Exits. Each entrance to or exit from a public parking area shall be constructed and maintained so that any vehicle entering or leaving the parking area shall, before crossing a pedestrian walk, be clearly visible at a distance of not less than ten feet to a pedestrian approaching such entrance or exit by the pedestrian walk. Exits shall be clearly marked with vehicle stop signs. Appropriate entrance and exit signs shall be maintained on the lot.

(3) Bumper Guards. Bumper guards may be required by the Design Review Board and must be continually maintained.

(4) Buffering Residential Zones. When a nonresidential use has a parking area abutting a residential zone, a landscaped buffer (such as a fence, wall, natural berm and/or landscaping) not less than five feet in height or more than six feet in height above the grade in the

parking area shall be provided and maintained between the parking lot and the adjoining residential property. Within the required front yard and along the front property line, the height of the buffer shall be not less than two and one-half feet and not more than three and one-half feet. Any such buffer is subject to Design Review Board approval.

(5) Commercial Parking lots. A public parking area containing no required parking stalls shall be designed in compliance with Sections 25.05.040, 25.52.008(A) through (J) and 25.52.010.

(K) Carpool Parking. Preferential parking spaces designated for carpool vehicles may be required for certain development as specified in Chapter 25.9~~2~~4.

25.52.010 Landscape, lighting and drainage of parking facilities.

(A) Landscaping. In a parking area (excluding the interior of parking garages) where more than five parking spaces are provided, the following conditions apply:

(1) A minimum of fifteen percent of the lot area shall be landscaped.

(2) One fifteen-gallon tree shall be provided for every three parking spaces and shall be arranged so as to achieve the desired shading specified in subdivision (3) of this subsection.

(3) Tree species shall be chosen and trees placed so as to produce fifty percent shading of the parking lot surface within ten years. Demonstration of the fulfillment of this requirements shall be done as part of the landscape plan submittal.

(4) Setbacks. All parking lot setbacks shall be landscaped except for areas required for vehicular and pedestrian ingress and egress.

(5) All landscaping is subject to Design Review Board approval.

(B) Unused Space. Any unused space resulting from the design of the parking area shall be used for landscape purposes, trash containers and/or bicycles.

(C) Landscaped Islands. All landscaped islands located within parking areas shall be protected from vehicular traffic.

(D) Maintenance of Landscaping. All landscaped areas

shall be adequately watered, trimmed and/or pruned and kept in a healthy and thriving condition free from weeds, debris and trash.

(E) Drainage. All parking facilities shall be graded and drained so as to provide for the disposal of all surface water on the site and shall be subject to review and approval by the Director of Community Development.

(F) Lighting. All lighting used to illuminate a parking area shall be designed, located and arranged so as to reflect the light away from any street or adjacent premises.

25.52.012 Parking spaces required.

(A) Minimum Parking Spaces. A minimum of two parking spaces shall be required for all uses/tenancies (excluding multiple-family residential uses and unless otherwise specified herein).

(B) Parking Requirements for Unspecified Uses. Parking requirements for structures and uses not specifically set forth in this section shall be determined by the Director of Community Development, and such determinations shall be based on the requirements for the most comparable structure or use specified.

(C) Parking Calculations. Methods of measurement used to determine the number of required parking spaces shall be based upon the following definitions:

(1) "Number of employees" means the maximum shift of employment period during which the greatest number of employees is present at the structure.

(2) "Floor area, gross" shall be as defined in Section 25.08.012.

(3) "Public serving area" means all areas inside and outside of a building where the public can be served or where food or beverages can be consumed, including bar counter tops, waiting areas, reception areas and cashier's desks.

(4) Twenty-four inches of bench, pew or other seating space shall be counted as one seat.

(5) Outdoor "display area" shall be measured by the sum of the footprint area underneath the objects on exhibit for sale plus the pedestrian viewing area(s), which shall be a minimum of 2.5 feet times the length of the viewing area in front of or around the display. Outdoor display areas of 100 square feet or less shall not require additional

parking.

(6) Delivery Trucks. Parking calculations are based on the number of spaces required for the public and employees of the proposed use. The number of required parking spaces shall include those required in Section 25.52.012 (F) plus any spaces required for their vehicles, such as delivery trucks.

(D) Fractional Parking Space. Whenever the computation of the number of parking spaces required by this section results in a fractional parking space, the fractional number shall be rounded up to the nearest whole number. Exception: In buildings or complexes (group of two or more commercial establishments, planned, developed, owned and managed as a unit) where the common or joint use of parking areas is proposed and ~~a master~~ an approved parking allocation plan has been accepted, calculations may result in fractional numbers. When the sum total results in a fractional number, the fractional number shall be rounded up to the nearest whole number; however, in no instance shall there be less than two spaces per tenancy.

(E) Compact Stalls. In every parking area and garage containing six or more stalls, fifty percent of the stalls provided may be designed as compact stalls.

(F) Parking Spaces Required for Specific Uses. ~~For every building or structure hereafter erected, enlarged or increased in capacity, for all land hereafter devoted to a new use, and for any building, structure or land changed to a more intensive use than was previously existing (i.e., a use requiring more parking spaces by the schedule below), there shall be provided for such new construction or intensified use, the following minimum off-street parking with adequate provisions for safe ingress and egress, and the right to use and occupy such structure or premises shall be contingent upon the maintenance of the parking space.~~ No structure or use shall be permitted or constructed unless off-street parking spaces, with adequate provisions for safe ingress and egress, are provided in accordance with the provisions of this Chapter. The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use. The following is a categorization of various types of uses and their associated parking requirements.

Structures and Uses	Off-street Parking Required
Residential Uses	
Dwelling, single-family	Two covered spaces per residence with an additional

	space for four or more bedrooms, which space may be uncovered and/or in tandem Exception: Artist's joint living and working quarters need not provide covered spaces.
Dwelling, multiple-family	One and one-half spaces for every studio or one-bedroom unit; two spaces for every unit with two or more bedrooms and one additional guest space for four units and every two thereafter. At least fifty percent of the spaces must be covered. Of the covered and uncovered spaces, fifty percent of each may be compact-sized. Exception: (1) Artist's joint living and working quarters need not provide covered spaces. (2) The City may reduce or waive parking requirements for housing projects with units committed to long-term, low-income, senior citizen's housing, i.e., as defined under the Federal Government Section 8 Housing or its equivalent.
Mobile home	Two spaces for each mobile home, which spaces may be uncovered and/or in tandem.
Artist's joint living and working quarters	See type of dwelling unit above.
Bed and breakfast inn	The required number of spaces shall be in conformance with those required for the primary use, plus one parking space for each room available for rent, which spaces may be uncovered and/or in tandem.
Guesthouse, guest room	One space for each guest house or guest room, which space may be uncovered and/or in tandem.
Roominghouse	Two spaces for each roominghouse, plus one space

	for each room to be rented.
	Health Uses
Animal hospital	One space for each one hundred fifty square feet of gross floor area, exclusive of overnight boarding areas.
Hospital	One space for each patient bed.
Rest home, home for the aged, nursing home	One space for each ~~two~~ three beds.
	Educational and Cultural Uses
Child care center, nursery school, preschool, large family day care home (parking requirements shall be determined based on maximum buildout/capacity)	One space for each staff member, plus, one space for each five children, or one space for each ten children where a circular driveway or its equivalent, designed for the continuous flow of passenger vehicles for the purpose of loading and unloading children and capable of simultaneously accommodating at least two such vehicles, is provided on the site.
Elementary or junior high school, including auditoriums and stadiums on the site	Two spaces for each teaching station.
High school, including auditoriums and stadiums on the site	Seven spaces for each teaching station.
College or university, including auditorium and stadium on the site	One space for each full-time equivalent student, less the number of spaces provided to serve on campus housing in accord with this schedule.
Business, professional or trade school	Seven spaces for each teaching station.
Dance school or studio	One space for each one hundred fifty square feet of gross floor area.

Library/museum	One space for each two hundred fifty square feet of gross floor area.
Art or music studio (no retail sales)	One space for each three hundred square feet of gross floor area.
Art galleries (indoor or outdoor display and retail sales), except as provided in Sec. 25.52.012(C)(5)	One space for each two hundred twenty-five square feet of gross floor and display area.

Places of Assembly and Recreational Uses

Auditorium, assembly hall, dancehall, stadium, conference facility, theater, spectator area, club, lodge, church, chapel, mortuary	One space for each three fixed seats, and/or one space for every thirty-five square feet assembly area.
Skating rink, roller or ice	One space for each twenty-five square feet of gross skating area, plus one space for each five seats or fraction thereof in spectators area, or one space for every one hundred fifty square feet of public area not available to skaters, whichever is greater.
Pool/billiards parlor	One space for each one hundred fifty square feet of gross floor area
Bowling alley	Five spaces for each lane.
Tennis court/racquetball court, handball court	Three spaces for each court plus any required for other uses.
Exercise areas, rooms, aerobic studios	One space for each thirty-five square feet of gross floor area, plus any spaces required for other uses.
Golf driving range	One and one-half spaces for each ten linear feet of driving range width.

Golf course	Eight spaces for each hole.
Miniature or "Par 3" golf course	Three spaces for each hole.
Swimming pool, commercial public (open to member or nonmembers)	One space for each one hundred square feet of water surface, but not less than ten spaces for any such use.
Office Use	
Commercial bank, savings and loan offices, other financial institutions, public or private utility office, mutual ticket agency or other similar window service offices	One space for each two hundred twenty-five square feet of gross floor area.
Offices of doctors, dentists or similar professions	One space for each one hundred fifty square feet of gross floor area.
General office and other business, technical, service, administrative or professional offices	One space for each two hundred fifty square feet of gross floor area.
Business and Commercial Uses	
~~Beauty-shop~~ Hair salon or barbershop	~~Three~~ Two spaces for each of the first two ~~beauty-or barber~~ chairs, plus one and one-half spaces for each additional chair or station.
Other personal service establishments, including tanning salons, nail salons, massage services or uses of a similar nature	One space for each two hundred square feet of gross floor area.
General retail stores, including outdoor display, except as ~~otherwise~~-provided in Sec. 25.52.012(C)(5)	One space for each two hundred twenty-five square feet of gross floor or display area.
Shopping Center	One space for each two hundred fifty square feet of leasable floor or display area. To qualify as a

	shopping center a well balanced mixture of uses must be demonstrated and no more than 35% of the entire leasable floor area may be allocated for full service restaurants, including any common seating area, and no more than 5% of the entire leasable floor area may be allocated for take-out restaurants, including any common seating area, if allowed. Where there is an imbalance of high intensity uses, such as restaurants, theaters, entertainment facilities and other such uses, parking calculations shall be based totally or in part on an individual basis.
Hotel/motel	One space for each room (as defined in Chapter 25.08), which opens to a public way or corridor, yard or court, plus one space for each fifteen rooms or fraction thereof, plus two spaces per each residence.
Hotel/motel with integrated restaurant uses or conference facilities	A twenty percent reduction from the total parking required for ancillary uses may be granted subject to Design Review Board approval. A greater reduction may be allowed if a traffic study, conducted by a licensed traffic engineer, is submitted and approved by the Design Review Board.
Food store, grocery store, supermarket or similar use, including outdoor display, except as provided in Section 25.52.012(C)(5); bakery, ice cream, candy store and delicatessen with counter service only; and, caterer	One space for each two hundred twenty-five square feet of gross floor and display area, exclusive of any delivery trucks as required in Section 25.52.012(C)(6).

Convenience store or minimarket, including outdoor display, except as provided in Sec. 25.52.012(C)(5)	Ten spaces, plus one space for each two hundred twenty-five square feet of gross floor and display area.
~~Drive-in-restaurant~~	~~One-space-for-each-fifty square-feet-of-gross-floor area, including indoor/outdoor-seating-areas, but-no less-than-ten-spaces.~~
~~Take-out-restaurant, take-out-food-service (inclusive-of-delicatessen, -bakery, -ice-cream store, -candy-store, -and uses-of-a-similar-nature)~~	~~One-space-for-each-fifty square-feet-of-gross-floor area, including-indoor/outdoor-seating-areas, but-no less-than-six-spaces.~~
~~Full-service-restaurant (inclusive-of-a-night club, -bar, -cocktail lounge, -cafe)~~	~~One-space-for-each-fifty square-feet-of-public-serving area including-outdoor serving-area, but-no-less than-four-spaces.~~

~~Note: The Planning Commission may determine that some combination of the above restaurant uses exists and may modify parking requirements as appropriate, subject to a conditional use permit.~~

Entertainment, including bar, cocktail lounge and night club	One space for each one hundred square feet of gross floor area, including outdoor serving area.
Restaurant, drive-thru, take-out, fast-food and full-service	One space for each one hundred square feet of gross floor area, including outdoor seating area(s), or one space per 3 seats, whichever is greater, but no fewer than five spaces. The minimum number of spaces for drive-thru restaurants shall be ten spaces.

Note: If a proposed use consists of a combination of a retail component and a restaurant and/or entertainment component, each component shall be calculated separately, with the entertainment and restaurant area's component of the gross floor area calculated using the above standards, except that the restaurant's minimum of five spaces shall not be required when the restaurant component is clearly ancillary.

Commercial laundry facility (coin-operated)	One space for each two machines.
Automobile service station (excluding the retail sale of beverage and food items)	One space for each two hundred twenty-five square feet of gross floor area, plus two spaces for each lubrication stall or rack.
Automobile service station (inclusive of the retail sale of beverage and food items)	Ten spaces, plus one space for each two hundred twenty-five square feet of gross floor area, plus two spaces for each lubrication stall, rack or pit.
Auto detailing	Two spaces for each washing station.
Automobile, truck, boat, or similar vehicle sales or rental establishments	One space for three hundred fifty square feet of office area, plus one space for each thousand square feet of indoor/outdoor auto sales/ display, plus one space for each three hundred square feet of gross floor area for repair/service areas.
Automobile/motor vehicle repair garages	One space for each three hundred square feet of gross floor area, but not less than five per tenancy.
Furniture store, appliance store, machinery rental or sales store (excluding motor vehicle rental or sales) and similar establishments which handle only bulky merchandise	One space for each five hundred square feet of gross floor area, excluding floor area used exclusively for storage or loading, but no less than four per tenancy.
Commercial service establishments, such as shoe repair, tailor, hardware store, laundry and dry cleaning establishment, TV repair or other uses of a similar nature	One space for each five hundred square feet of gross floor area, but no less than two per tenancy.
Wholesale distributor, mailorder house,	One space for each three hundred feet office area,

wholesale printing and publishing establishment	plus one space for each one thousand square feet of indoor/outdoor storage area.
Lumberyard, home builder supply	One space for each two hundred ~~fifty~~ twenty-five square feet of office/sales/display area, plus one space for each one thousand square feet of indoor/outdoor storage area.
Contractor's storage yard	One space for each three hundred square feet of office area, plus one space for each one thousand square feet of indoor/outdoor storage area, but no less than five spaces for any such use.
Retail plant nursery, garden shop, including greenhouse, lathhouse or similar sales and display establishment	~~Five spaces, plus~~ One space for each ~~five-hundred~~ two hundred twenty-five square feet of ~~indoor/outdoor~~ office or indoor sales, and display, ~~ancillary office or service~~ area, plus one space for each one thousand square feet of outdoor and greenhouse display or storage area.
Flower stand ~~(not exceeding five-hundred square feet)~~	~~Two spaces, plus~~ One space for each two hundred fifty square feet of sales or display area with a minimum of two spaces.
Manufacturing or industrial establishment	One space for each five hundred square feet of gross floor area, including ancillary offices.
Laboratory and research establishment	One space for each three hundred feet of gross floor area, including ancillary offices.
Warehouse or storage building	Two spaces, plus one space for each one thousand square feet of floor area.
Public utility facility, including electric, gas water, telephone and	One space for each employee, but not less than two spaces for each such facility.

telegraph facility, not having business offices on the premises.

Chapter 25.56 regarding nonconforming buildings, lots and uses shall be amended to read as follows:

Chapter 25.56

NONCONFORMING BUILDINGS, LOTS AND USES

Sections:

25.56.002 Nonconforming building, structure or improvement. A nonconforming building, structure or improvement is one which lawfully existed on any lot or premises at the time the first zoning or districting regulation became effective with which such building, structure or improvement, or portion thereof, did not conform in every respect.

Any such nonconforming building, structure or improvement may be continued and maintained, except as otherwise provided in this chapter, but may not be moved in whole or in part unless and except every portion thereof is made to conform to the provisions of this title.

25.56.004 Nonconforming uses defined.

~~(A)~~ "Nonconforming use" means a use of a building or land which use was carried on the effective date of the ordinance codified herein and which does not conform to the uses permitted in the zone in which it is located.

Any such nonconforming use may be continued except as otherwise provided in this chapter.

~~(B) Nonconforming parking is a use either conforming or nonconforming which does not provide parking which conforms in every respect with current parking regulations.~~

~~Any such nonconforming use may be continued except as otherwise provided in this chapter.~~

25.56.006 Change in building use. ~~The use of a nonconforming building may be changed to a similar or more restrictive use which requires lesser parking, in which event the use of the building may not thereafter be changed back to a use of a less restrictive classification.~~

If any nonconforming use or portion thereof, ~~other than nonconforming room rentals or boarding and/or lodging houses,~~ is abandoned or ceases for ~~any period of time whatsoever~~ a period of twelve or more consecutive months, ~~for any reason whatsoever,~~ or ~~if any such use~~ is changed to a conforming use, it shall not thereafter be reestablished or reopened. ~~If a nonconforming room rental or boarding and/or lodging house use is discontinued or is not occupied for a period of six months for any reason whatsoever, it shall not thereafter be reestablished.~~

25.56.008 Adding to or enlarging nonconforming structure. No nonconforming, building, structure or improvement shall be added to or enlarged in any manner so as to increase the total area of such building, structure or improvement, unless such building, structure or improvement, including such additions and enlargements are made to conform in every respect with the provisions herein set forth for the zoning district in which such building, structure or improvement is located, as shown on the zoning district map. ~~If any part of the nonconforming portion of the structure is substantially removed or modified in such a way that it compromises the structural integrity of the building, that portion must be rebuilt in conformance with zoning regulations.~~ In the event that a building is nonconforming only because of noncompliance with the required yard regulations and access requirements, then additions and enlargements may be made thereto, provided such additions and enlargements comply in every respect with the provisions of this title and provided that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty percent of the floor area contained in such building, structure or improvement prior to the making of such additions and enlargements.

25.56.009 Modification of existing nonconforming structure. If any part of a nonconforming portion of the structure is substantially removed or modified in such a way that it compromises the structural integrity of the building, that portion must be rebuilt in conformance with zoning regulations.

25.56.010 Adding to, enlarging or reestablishing nonconforming use. A nonconforming use or portion thereof~~,~~ ~~occupying either a building or portion thereof,~~ ~~or occupying any lot or premises and not housed in a building~~ shall not be enlarged or extended expanded. ~~into any other portion of either said conforming building or onto land not actually so occupied at the time such use became nonconforming except as otherwise provided in this chapter.~~

~~25.56.011 In lieu parking certificates for nonconforming buildings, uses and parking.~~

~~(A) When a use has been initiated prior to the effective date of the in lieu parking certificate program (1959), and when an intensification of that use is proposed, then the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the use proposed less credit for the actual number of parking spaces already provided and/or the number of parking spaces that would have been required by the parking regulations in effect in 1958.~~

~~(B) When a use has been initiated prior to the effective date of the in lieu parking certificate program, and when the building involved is nonconforming and is proposed to be enlarged to create additional floor area, then the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the use with reference to the entire square footage of the building less credit for the actual number of parking spaces already provided and/or the number of parking spaces that would have been required by the parking regulations in effect in 1958; provided, however, that the foregoing shall not apply to an enlargement which results in the creation of up to ten percent additional square footage of floor area not exceeding five hundred additional square feet, in which case the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for such additional floor area.~~

~~(C) When a use has been initiated after the effective date of the in lieu parking certificate program, and when an~~

~~intensification of that use is proposed, then the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the use proposed less credit for the actual number of parking spaces already provided and the number of in lieu parking certificates previously issued, if any, for the subject premises.~~

~~(B) When a use has been initiated after the effective date of the in lieu parking certificate program, and when the building involved is nonconforming and is proposed to be enlarged to create additional floor area, then the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for the use with reference to the entire square footage of the building less credit for the actual number of parking spaces already provided and the number of in lieu parking certificates previously issued, if any, for the subject premises; provided, however, that the foregoing shall not apply to an enlargement which results in the creation of up to ten percent additional square footage of floor area not exceeding five hundred additional square feet, in which case the property owner or applicant shall provide parking or purchase in lieu parking certificates equivalent to the number of parking spaces required by current parking regulations for such additional floor area.~~

~~(E) Subdivision of an existing building or structure shall be considered an intensification of use.~~

~~(F) When an intensification of use and/or an enlargement of a nonconforming building is proposed, and when such use and/or building is a portion of a larger premises for such parking spaces are already provided and/or in lieu parking certificates have been issued, then any credit for such parking and/or certificates shall be allocated proportionately on a square footage basis. In the event that such calculations result in a fractional number, the number shall be rounded up to the nearest half or whole number.~~

25.56.012 New construction where nonconforming building or use exists. While a nonconforming use exists on any lot, no new building shall be erected or placed thereon even though the new building and its use would otherwise conform to the provisions of this title.

Once the nonconforming use or building is entirely removed from the lot or the building is made to comply in use to the regulations of the particular district wherein located, then the lot may be used for any purpose

conforming with this title.

25.56.014 Restoration of nonconforming structure. Notwithstanding the extent of damage, any legal nonconforming building, structure or improvement which has been damaged by fire, flood, wind, earthquake, or other ~~calamity~~ natural disasters may be repaired, restored, replaced or reconstructed up to the original size, placement and density, notwithstanding any other provision of this title; provided, however, that no multiple-family dwelling which has been so damaged to the extent of more than fifty percent of the value of such building, structure or improvement immediately prior to such calamity shall be repaired, restored, replaced or reconstructed unless the provisions of Chapter 25.52 are complied with in full; and provided further, however, that no shore protective device shall be repaired, restored, replaced or reconstructed unless it is consistent with prevailing zoning regulations and general plan policy.

25.56.016 Nonconforming uses due to future reclassification. The foregoing provisions of this section shall also apply to nonconforming uses and buildings which are made such by any future reclassification of the district in which the particular use or building is located.

25.56.018 Public utility uses. Regardless of any other provisions of this title, any public utility use existing in any building or structure, or on any premises at the time of the adoption of the ordinance codified herein shall be deemed to be a conforming use or a conforming building or structure as the case may be, in whatever district said use is conducted or whatever district said building structure or premises are located.

25.56.020 Access to prior building sites - Validity maintained.

(A) Notwithstanding any other provisions of this section, any parcel of land or lot which has been lawfully created and has received a building permit for the establishment and use of any building or structure, but which does not comply with the current access standards of this code, shall nevertheless be conclusively presumed to be a building site to the extent that any nonconformity arises solely out of a lack of compliance with current access standards.

(B) In order to verify that the parcel and any structures thereon were lawfully established in accordance with the regulations in effect at the time, the Director of Community Development may require the submittal of adequate documentation including but not limited to the

ORDINANCE NO. 1283

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING PORTIONS OF CHAPTER 25 OF THE MUNICIPAL CODE RELATING TO ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

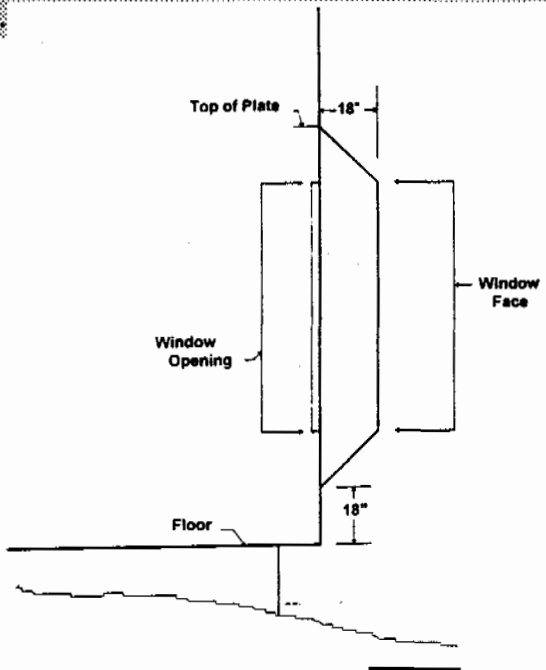
SECTION 1. The following section of Chapter 25 of the Municipal Code is hereby amended to read as follows:

25.50.008 Permitted projections into required yards. (A) Cornices, eaves, belt courses, balconies, greenhouse and bay windows (as defined in Section 25.50.008(E) below) or similar architectural features may cantilever into a required front or rear yard a distance equal to twenty percent of the required front or rear yard, and may cantilever into a required side yard a distance equal to forty percent of the required side yard; however, in no event shall any eave, belt course, balcony be constructed less than two and one-half feet, or four feet in the case of greenhouse or bay windows, from the side property line, or less than five feet from any other cornice, eave, belt course, greenhouse or bay windows or similar architectural feature on the same lot.

SECTION 2. The following section of Chapter 25.50.008 of the Municipal Code is hereby added to read as follows:

(E) Greenhouse or bay windows. The outside window face does not exceed the size of the indoor window opening; the window projection does not begin less than eighteen inches from the floor or extend more than eighteen inches from the building wall face; and, the window projection returns to the building wall face at a height not greater than the top plate of the wall containing the window projection.

EXAMPLE:



SECTION 3. The City Clerk of the City of Laguna Beach shall certify passage and adoption of the Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective 30 days after the date of its adoption.

SECTION 4. This Ordinance is intended to be of citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

ADOPTED this _____ day of _____, 1994

_____
Mayor

ATTEST:

_____
City Clerk

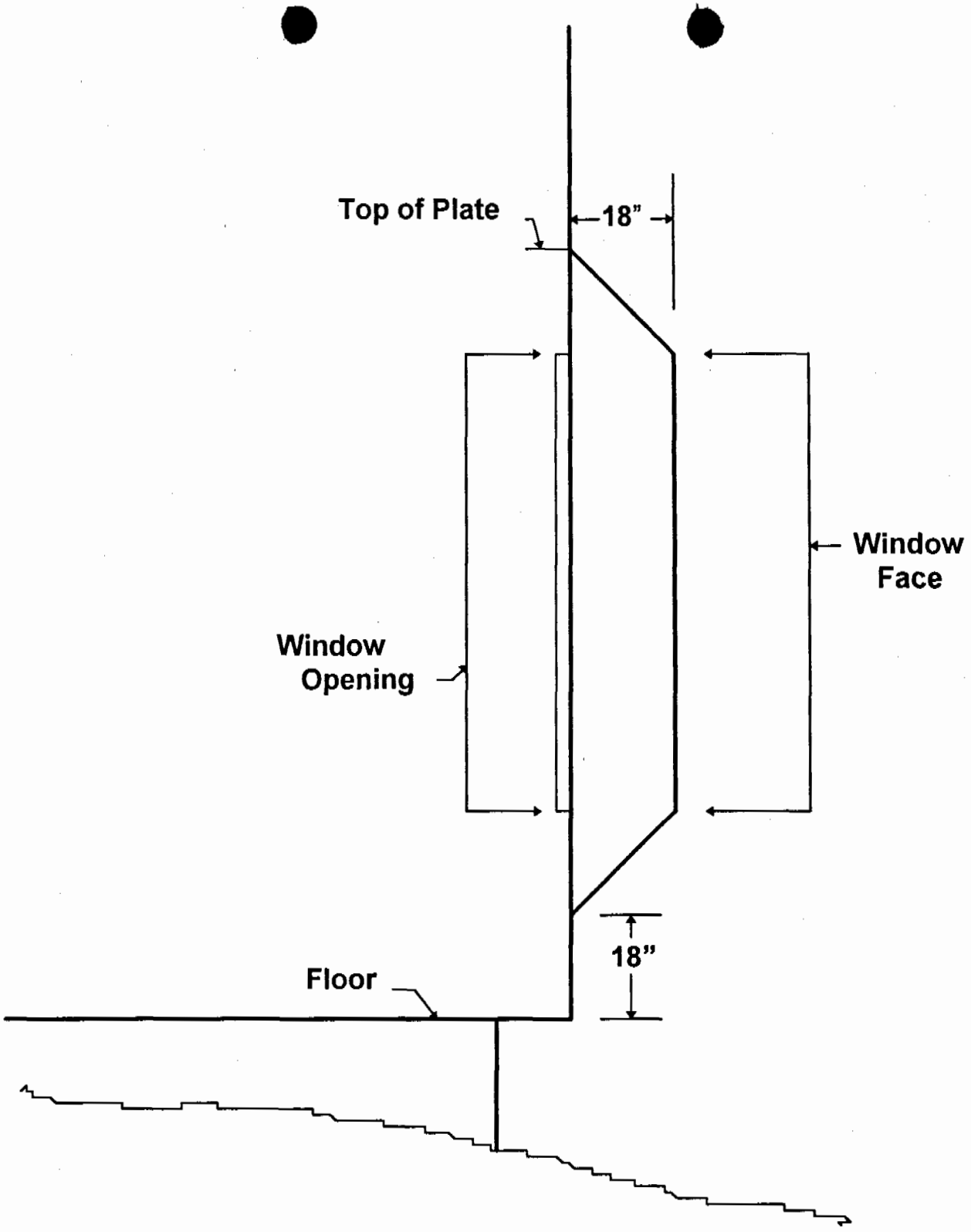
I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance was duly introduced at a Regular Meeting of the City Council of said City held on _____, 1994 by the following vote:

AYES: COUNCILMEMBER(s)

NOES: COUNCILMEMBER(s)

ABSENT: COUNCILMEMBER(s)

_____
City Clerk, Laguna Beach,
California


Top of Plate
18"
Window Face
Window Opening
18"
Floor

ORDINANCE NO. 1303

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH AMENDING CHAPTER 25.15 OF THE MUNICIPAL CODE RELATING TO THE RESIDENTIAL/HILLSIDE PROTECTION ZONE, AND AMENDING SECTION 25.08.028, SECTION 25.10.006 AND CHAPTER 21.14 OF THE MUNICIPAL CODE RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS.

THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 25.15 - R/HP RESIDENTIAL/HILLSIDE PROTECTION ZONE is hereby amended to read in its entirety as follows:

Chapter 25.15

R/HP RESIDENTIAL/HILLSIDE PROTECTION ZONE

Sections:

25.15.002 Intent and Purpose.

The intent and purpose of this Zone is to allow for low-intensity, residential development ~~while promoting~~ that addresses concerns for public health and safety and promotes the design criteria set forth in Section 25.15.004. All new development in this Zone shall be sensitive to the hillside terrain and to the environmental constraints and shall provide for the conservation of existing natural open space lands, unique landforms, scenic hillsides and sensitive biological habitats. These environmental constraints include potential danger from fire, slope failure and erosion, as well as the difficulty of emergency evacuation. Protection of the physical environment, public views and aesthetic qualities associated with undeveloped lands is of critical concern in this Zone. Low-intensity agricultural uses and passive, recreational uses are also appropriate ~~to~~ for this Zone.

25.15.004 Design Criteria.

The area included in the Residential/Hillside Protection Zone encompasses a substantial amount of the City's undeveloped hillsides. Not only does this land incorporate some of the most undisturbed physical environments in the City, it also supports many environmentally

sensitive habitats. These included rare species of flora fauna, significant watercourses, ridgelines and unique landforms such as rock outcroppings and caves. In addition, land within this Zone typically contains physical conditions such as steep topography and geologically sensitive areas which amplify the environmental and safety concerns of this Zoning District.

The following design criteria have been established to help ensure that future development proposals take the proper steps to avoid adverse impacts on these unique resources. In addition, all development proposals shall be subject to the zoning standards and design review procedures of this Chapter and shall be strictly evaluated for conformance with the City's General Plan, with particular emphasis on the Open Space and Conservation Element. As part of the environmental review process for any project, the City may also require detailed environmental studies to identify specific impacts and the necessary mitigation measures.

(A) To ensure compliance with the applicable General Plan policies, all development proposals shall be subject to the following criteria:

(1) Building Site. Buildings and other improvements should be located on slopes of less than thirty percent and should be situated such that they do not adversely impact any mapped environmentally sensitive areas, and should minimize impacts to ridgelines, geologic hazard areas, unique landforms and areas of high biological value.

(2) Mass and Scale. The height and scale of the building(s) should respect the natural surroundings and unique visual resources by incorporating designs which minimize bulk and mass, follow natural topography and minimize visual intrusion on the natural landscape.

(3) Building Size. In addition to the mass and scale of the residence, the total square footage shall also be maintained at a size compatible with the open space characteristics of the hillsides. Residential designs should blend in with the surroundings, while minimizing their prominence to public view. As such, larger lots shall not necessarily enable the development of correspondingly larger homes.

(4) Architectural Style. The architectural style, including materials and colors, should be compatible with the natural setting by encouraging designs which blend in with the surroundings.

(5) Grading. Development proposals should minimize grading of hillside areas by encouraging designs which follow the natural grade while maintaining a building mass and scale that is sensitive to topography.

(6) Landscaping. The proposal should maintain native vegetation to the greatest extent possible and should include the provision of additional native vegetation to mitigate potential visual impacts and erosion concerns associated with the development proposal.

(7) Fuel Modification. The development proposal should address the required fuel modification as part of the initial application and should integrate fuel modification provisions into the site plan in such a way as to minimize impact on existing native vegetation and areas of visual prominence.

23.15.006 Uses Permitted.

Buildings, structures and land shall be used, and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following purposes:

(A) Single-family dwellings;

(B) Accessory buildings and uses as defined in Section 25.08.002, including swimming pools and recreation courts for noncommercial use, consistent with the development standards set forth in Section 25.10.008 and Chapter 25.50, and subject to Design Review Board approval;

(C) Child care and other similar uses set forth in the State Health and Safety Code;

(D) Guest house or guestroom,subject to the following conditions:

(1) The lot is a minimum of fourteen thousand five hundred square feet (14,500 sq. ft.) in size,

(2) There is no more than one guest house on any one lot,

(3) There is no kitchen within such guest house,

(4) The floor area of the guest house does not exceed three hundred square feet (300 sq. ft.),

(5) Such guest house is used only by the occupants of the main building or their guests or domestic staff and shall not be rented separately, let or hired out, whether the compensation is paid directly or indirectly in money, goods, wares or merchandise,

(6) Such guest house is located entirely within one hundred feet (100 ft.) of the main dwelling unit but does not encroach into any required setback area. Access to the guest house shall be provided from the same access driveway serving the main residence,

(7) Any guest house shall be subject to Design Review Board approval,

(8) Unless superseded by the above conditions, all development standards for guest houses, as ~~stipulated~~ set forth in Section 25.10.008, shall apply;

(E) Home occupations, subject to the standards in Chapter 25.08;

(F) Raising of vegetables, field crops, fruit and nut trees and horticultural specialties used solely for personal or educational, noncommercial purposes. The location of such agricultural uses should be restricted to areas where the slope does not exceed thirty percent (30%);

~~(G) Such other uses as the Planning Commission may deem, after a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare, than the permitted uses.~~

25.15.007 Uses Permitted subject to an Administrative Use Permit.

The following may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Family day care home, large, subject to the standards set forth in Section 25.10.005.

25.15.008 Use Permitted subject to a Conditional Use Permit.

The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030:

(A) Passive natural parks, such as view platforms, mini-parks, hiking and walking trails;

(B) Public utility and public service pumping stations, power stations, drainage ways and structures, storage tanks and transmission lines;

(C) Second residential units subject to the provisions of Chapter 25.17;

(D) Planned Residential Developments subject to the standards of ~~Title 21 of this code relating to plats and subdivisions~~ Chapter 21.14, Planned Residential Developments. (The Conditional Use Permit must be approved by the City Council after the Planning Commission makes a recommendation regarding the project. A subdivision proposal shall be processed in conjunction with the Conditional Use Permit application for the Planned Residential Development);

(E) Churches.

(F) Special Residential Housing Projects, (for example, Senior or Low-Income).

(G) Such other uses as the Planning Commission may deem, after a public hearing, to be consistent with the intent and purpose of this Zoning District and similar to and no more obnoxious or detrimental to the public health, safety and welfare, than other permitted uses.

25.15.010 Property Development Standards.

The following property development standards shall apply to all land and structures in this Zone:

(A) Lot Area. Each lot shall have an area of not less than fourteen thousand five hundred square feet (14,500 sq. ft.). Exceptions: Any existing parcel which is considered a legal building site at the time of application for a development permit shall retain building site status even though it is less than fourteen thousand five hundred square feet (14,500 sq. ft.) in size. Title 21, Section 21.14.010 sets forth criteria which allows for the fluctuation of lot sizes and shapes when a Conditional Use Permit for a Planned Residential Development is proposed and approved.

(B) Lot Dimensions.

(1) Width. No Lot shall have a width at any point of less than eighty feet (80 ft.). Exception: Cul-de-sac lots shall have a minimum lot front property line of fifty feet (50 ft.).

(2) Depth. Each lot shall have a minimum depth of one hundred fifty feet (150 ft.).

(3) Planned Residential Developments. Section 21.14.010 sets forth criteria which allows for the fluctuation of lot sizes and shapes when a Conditional Use Permit for Planned Residential Development is proposed and approved.

(C) Density Standards. The following ~~formula~~ Slope/Density Table and Density Yield Method shall be used to determine the maximum allowable building density for a given property in relation to a potential subdivision. **The maximum yield of housing units may be significantly lower due to localized conditions identified during the site-specific planning process.** *(Bolding added for emphasis.)* Such conditions include, but are not limited to infrastructure capacities and environmental factors. Importantly, the subdivision of land must be found to be consistent with the General Plan policies which may result in a density less than that allowed by the following ~~formula~~ Slope/Density Table and Density Yield Method:

Slope/Density ~~Formula~~ Table

Slope	Maximum Density
0 -- 10%	3.0 Units/Acre
10+ -- 15%	2.5 Units/Acre
15+ -- 20%	2.0 Units/Acre
20+ -- 25%	1.5 Units/Acre
25+ -- 30%	1.0 Units/Acre
30+ -- 35%	.5 Units/Acre
35+ -- 40%	.2 Units/Acre
40+ -- 45%	.1 Units/Acre
45+%	.0 Units/Acre

Exception: ~~At the time of application for a development permit, a~~ Any existing parcel which is considered to be a legal building site at the time of application for a development permit shall retain building site status even though it ~~is less than fourteen thousand five hundred square feet (14,500 sq. ft.) in size~~ has slopes in excess of forty-five percent (45%).

NOTE: If density calculations result in a fractional number, the lowest number shall be rounded down to the nearest whole number, although in no event shall the density calculations be less than one (1) dwelling unit for an existing legal building site.

~~1. Calculations for Average Slope~~

~~a. Average ground slope shall be determined in accordance with the following formula:~~

$$\text{~~S = IL(100)/A~~}$$

~~b. Where:~~

~~S = Average natural ground slope (percentage) of the total project area.~~
~~I = Contour interval in feet.~~
~~L = Combined length of the contour lines in feet.~~
~~A = The gross area of the parcel or lot in square feet.~~

1. Density Yield Method.

a. The method for determining density yield shall be by a method known as the "water drop" method whereby: 1) distances between contour lines are measured, and at every point where the slope or rise over run corresponds to a slope category transition (i.e., 25%), a line is drawn following the most direct downward slope that a drop of water would travel down; 2) the procedure in Step 1 is repeated for all slope category transition slopes; 3) a perimeter boundary is drawn around the same-slope category areas through the midpoint of the water-drop line; 4) the contiguous groups of slope category areas which have a slope of 45% or less and are 14,500 sq. ft. or larger are measured for each slope category; and 5) those areas are multiplied by the applicable density factor based upon the above Slope/Density Table.

~~e~~ b. Measurements shall be made for the entire parcel(s) proposed to be developed or subdivided at contour intervals not to exceed ten feet on a horizontal map scale where one inch equals ~~two~~ one hundred feet (1" = ~~200~~ 100 ft.) or less.

2. When more than one zoning designation exists on a parcel which is proposed to be subdivided, the density limit for the entire property shall be determined by calculating the allowable number of units within each separately zoned area (fractional numbers shall be rounded down to the nearest whole number) and taking the sum total of these densities. The City may consider allowing the resulting density in the Residential/Hillside Protection Zone to be transferred to a more intensive residential zone on the same parcel.

(D) Lot Coverage. The following table indicates the maximum percentage of lot coverage allowed. Grading and terrain alteration, except as required for public safety purposes and required access, are restricted to the lot coverage area.

~~Average~~ Lot Slope	Maximum Percent of Coverage
0 -- 20%	35%
20+ -- 25%	30%
25+ -- 30%	25%
30+ -- 35%	20%
35+ -- 45%	10%
45+%	0%

Lot Slope shall be ascertained by calculating the slope percentage of rise, (which is the vertical height distance between the highest and lowest points of a lot), divided by the run, (which is the horizontal distance between the highest and lowest points of a lot), multiplied by 100.

Exception: ~~At the time of application for a development permit, a~~Any existing parcel which is considered to be a legal building site at the time of application for a development permit shall retain building site status even though it has ~~an average~~ a lot slope in excess of forty-five percent (45%) and shall be entitled to a maximum lot coverage of ten percent (10%).

(E) Accessory Use Lot Coverage. The maximum lot coverage permitted for the following accessory uses shall not exceed a total of fifteen percent (15%) of the lot coverage area, as established by the provisions of subsection (D): spas, swimming pools, recreation courts, and any other similar structures.

(F) Ridgelines. No development shall be permitted which, in any way, alters an existing ridgeline identified as significant in the General Plan, including topographic changes, visual obstruction, or other direct impacts on the natural profile of the ridgeline. If during the initial environmental review process it is determined that a project could impact other ridgelines not identified in the General Plan, the appropriate mitigation measures shall be required to protect the physical and aesthetic character of the ridgeline. Such measures may include, but are not limited to, a restriction on ridgeline development and specific design modifications as may be required ~~by the Design Review Board~~.

(G) Accessory Buildings and Uses. All accessory buildings and uses, including recreation courts and swimming pools, shall be located within one hundred feet (100 ft.) of the main dwelling unit but shall, in no case, encroach into any required yard or setback area.

(H) Building Height. Unless further restricted ny the provisions of Chapter 25.50, the maximum height of any point, as measured from the natural grade or finished grade of the land, whichever is the most restrictive. In addition, all residential units shall be reviewed for consistency with the City's Design Guidelines for hillside development as adopted by Resolution No. 89-104 or as amended thereafter.

(I) Yards. The general yard and open space provision of Chapter 25.50 shall apply in addition to the following:

(1) Front Yards. Each lot shall maintain a front yard of not less than twenty feet (20 ft.). Front yards shall not be used for accessory buildings, clotheslines, air conditioning or pool equipment, the storage of trailers, boats, campers, or other materials, or the regular or constant parking of automobiles or other vehicles.

(2) Side Yard. The width of each side yard shall be not less than ten percent (10%) of the average lot width, but in no case less than eight feet (8 ft.).

(3) Rear Yard. Each lot shall maintain a rear yard of not less than twenty-five feet (25 ft.).

(4) Exception. Where a Planned Residential Development is proposed, consisting of four or more structures, yard requirements shall be determined by the Design Review Board.

(J) Fences and Walls. All fences and walls shall be subject to the provisions of Section 25.50.012 as well as the following standards:

(1) Except as provided for in subsection (2) below, any fencing shall be located within one hundred feet (100 ft.) of the main dwelling. If no dwelling exists on the lot, a fence is not permitted.

(2) Requests for security or safety fences which are not addressed in the Building Code may be exempt from the provisions of subsection (1) above, subject to Design Review Board approval which includes a finding that the fence is necessary for the preservation of public health, safety and welfare.

(K) Design Review. The provisions of Section 25.05.040 shall apply.

(L) Signs. The provisions of Chapter 25.54 shall apply.

(M) Parking. The provisions of Chapter 25.52 shall apply.

(N) All other applicable sections of Title 25 shall apply, except as modified herein by this Chapter.

(O) Any previous reference pertaining to "Hillside Management/Conservation," either as a Zoning District or as a General Plan or Specific Plan designation shall, from the effective date of the adoption of this Chapter, be equated to "Residential/Hillside Protection."

25.15.012 Required Findings.

In addition to such written findings as may be required by State law or the Municipal Code, the following written findings shall be made by the approving authority prior to the approval or conditional approval of any development project:

(A) That the proposed development is in conformity with all applicable provisions of the General Plan, including the Certified Local Coastal Program and the Zoning Code (Title 25).

(B) That the proposed development, following the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

(C) That the proposed development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

(D) That the proposed development has adequately designed for and long-term implementation and maintenance measures have been established or conditioned to be established to reasonably protect the residents and their structures from wildfire hazards.

SECTION 2. Chapter 21.14 - EXCEPTIONS is hereby amended to read in its entirety as follows:

Chapter 21.14
~~EXCEPTIONS~~ PLANNED RESIDENTIAL DEVELOPMENTS

Sections:

21.14.010 Conditional exceptions when Conditional Use Permit granted for Planned ~~housing~~ Residential Development.

Whenever a conditional use permit has been granted for a Planned ~~housing~~ Residential Development in ~~any "R"~~ the R-1 or R/HP Districts, conditional exceptions to certain subdivision standards may be recommended by the Planning Commission and authorized by the City Council as follows:

(a) Exceptions to the requirements and regulations relating to lot size and shape, setbacks and open space may be permitted when:

(1) An open space or recreational area ~~lot~~ is ~~to be~~ provided for the use and benefit of the ~~family~~ dwelling units in the development~~, and~~. Open space shall be a minimum of 65% of the gross project area which shall not include rights-of-way; vehicle parking areas; areas 15 feet or less in width adjacent to structures; setbacks; patios; and any proposed private yards;

(2) The total land area of the development divided by the total number of ~~family~~ dwelling units provides an average land area per ~~family~~ dwelling unit equal to or more than required by the regulations of the district in which the development is located. Total land area of the development shall include the land area of open space or recreational area, ~~lots~~ but shall not include any land area being set aside for the rights-of-way of public or private streets and alleys~~.~~; and

(3) The minimum front, rear and side structural setback from the project perimeter boundary shall be 20 feet. The minimum structural setback between structures containing dwelling units is 10 feet plus 1 foot for each 15 feet of structural length.

(b) Exceptions to the requirement that lots abut on a street may be permitted when:

(1) Adequate and permanent access from a street to each ~~family~~ dwelling unit is provided for pedestrians and emergency vehicles~~,~~; and

(2) Adequate and permanent provision for accessible automobile storage is assured for each ~~family~~ dwelling unit.

(c) ~~If the subdividing of the planned housing development is authorized as herein provided, setbacks and open spaces between buildings shall not be determined by lot lines but shall be established by the conditional use permit for such development.~~ Private streets shall be permitted when there is a homeowner's association established to maintain them. The streets shall be built to standards of design established in Chapter 21 of the Municipal Code.

21.14.020 Providing for the upkeep, and maintenance ~~and payment of taxes of~~ open space and common facilities.

As a condition of approving ~~the~~ a subdivision and Conditional Use Permit ~~of~~ for a Planned ~~housing~~ Residential Development ~~and permitting exceptions to the standards subdivision requirements~~ the subdivider shall ~~present~~ provide in writing with ~~his~~ the tentative map and Conditional Use Permit applications the means by which the permanent upkeep and maintenance of the open spaces ~~or recreational area lots~~ and common facilities ~~is~~ are to be accomplished and enforced. ~~and the payment of taxes thereon assured. No exceptions to the standard subdivision requirements shall be permitted unless the City Council determines that the subdivider has adequately provided for such upkeep, maintenance and payment of taxes.~~

21.14.040 Planning Commission action.

In recommending such exceptions, the Planning Commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air and the public health, safety, convenience and general welfare.

In recommending the authorization of any exception under the provisions of Section 21.14.010, the Planning Commission shall report to the City Council its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exception recommended and the conditions designated.

21.14.050 City Council action.

Upon receipt of such report, the City Council may approve the tentative map with such exceptions and subject to the conditions the City Council deems necessary to substantially secure the objectives of this title.

21.14.060 Required Findings.

In addition to such written findings as may be required by State law or the Municipal Code, the following written findings shall be made by the approving authority prior to the approval or conditional approval of any Planned Residential Development:

(A) That the Planned Residential Development will be constructed, arranged and operated so as to minimize mass and scale, increase hazard to neighboring property or interfere with the development and use of neighboring property.

(B) That the Planned Residential Development will be adequately served by essential public facilities and services such as streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

(C) That the Planned Residential Development will not result in the destruction, loss or damage of any natural, scenic or historic feature, (such as, but not limited to, natural drainage courses, flora or fauna habitat, stands of trees and rock outcroppings), of significant importance.

(D) That the Planned Residential Development has a diversity and originality of lot layout and individual building design to achieve the best possible relationship between development and the land, and that it minimizes grading.

SECTION 3. The definition of "Planned residential housing development" in Section 25.08.028 - Words beginning with "P" is hereby amended to read as follows:

"Planned residential ~~housing~~ development" means ~~developments (containing single and/or multiple family dwellings) on a parcel entirely surrounded by streets, when the density does not exceed that permitted in the zone; however, a partial waiver of the requirement that the parcel be entirely surrounded be streets may be permitted when it is found and determined that such partial waiver will not be inconsistent with adequate standards of pedestrian and vehicular access and traffic circulation for the development and for the area in which the development is located~~ a type of subdivision development characterized by comprehensive, detailed planning for a project as a whole which usually involves the clustering of dwelling units either as single-family detached or attached units; where the density does not exceed that permitted in the zone; and where the standards of development outlined in Chapter 21.14 (concerning Planned Residential Developments) are complied with. This type of development may compensate for the limitations caused by environmental constraints by providing density yield advantages through the clustering of dwelling units, and also provide for the opportunity to preserve open space and other natural features, minimize environmental degradation and avoid natural hazards.

SECTION 4. Section 25.10.006 - Uses permitted subject to conditional use permit (in the R-1 Zone) is hereby amended to read as follows:

25.10.006 Uses permitted subject to Conditional Use Permit.

The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.46:

(A) Recreation facilities, municipal and public;

(B) Church;

(C) Horse stables (as per Section 25.16.004(E));

(D) Nursery school;

(E) Planned Residential ~~housing~~ Development. (The Conditional Use Permit must be approved by the City Council after the Planning Commission makes a recommendation regarding the project. A subdivision proposal shall be processed in conjunction with the Conditional Use Permit application for the Planned Residential Development);

(F) Public and private schools;

(G) Radio, broadcasting and television antenna structures and appurtenances that exceed twenty feet in height above the existing grade immediately adjacent to the antenna;

(H) Rest Home;

(I) Utility substation.

SECTION 5. The proposed Negative Declaration for this ordinance is hereby adopted and certified.

SECTION 6. The City Clerk of the City of Laguna Beach shall certify passage and adoption of this ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective 30 days after the date of its adoption.

SECTION 7. This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be hereby repealed to the extent of such inconsistency and no further.

ADOPTED this _____ day of _____ , 1995.

_____
Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on _____, 1995, and was finally passed and adopted at a regular meeting of the City Council of said City held on _____, 1995, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____
City Clerk, Laguna Beach,
California

ORDINANCE NO. ~~95~~ 1305

AN ORDINANCE OF THE CITY OF LAGUNA BEACH
AMENDING MUNICIPAL CODE SECTION 25.52.006(h)
REGARDING THE GRANTING OF PARKING REQUIREMENTS
FOR SIDEWALK CAFES WHICH PROVIDE OUTDOOR PUBLIC SEATING

WHEREAS, on May 24, 1995, the Planning Commission conducted a legally noticed public hearing on Zoning Ordinance Amendment 95-04, and after reviewing all documents and testimony voted to recommend approval of said Ordinance Amendment to the City Council by a 4 to 0 vote; and

WHEREAS, on June 20, 1995, the City Council conducted a legally noticed public hearing on Zoning Ordinance Amendment 95-04, and after reviewing all documents and testimony on said Zoning Ordinance Amendment, desires to approve it.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Laguna Beach does ordain as follows:

Section 1: A Notice of Exemption has been prepared which determined that this ordinance amendment is categorically exempt under Section 15308 of the Guidelines for implementing the California Environmental Quality Act.

Section 2: Municipal Code Section 25.52.006(h) shall be amended to read as follows:

25.52.006(h) Incentives. The City Council may approve a conditional use permit, upon recommendation by the Planning Commission, to reduce the parking standards required under this chapter where one or more of the following conditions apply:

(1) The proposed use is a very low or low income, or disabled housing project;

(2) The proposed use is considered to be less intense than the previous use;

(3) The proposed use provides for or promotes the use of alternative modes of transportation such as ridesharing, carpools, vanpools, public transit, bicycles and walking.

(4) The proposed use is a sidewalk cafe having outdoor seating available to the general public as well as restaurant customers, which contributes positively to the local pedestrian environment. The parking reduction may be granted on a temporary or seasonal basis and shall be limited to a maximum of three (3) spaces.

Section 3: The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after final approval by the City Council.

Section 4: This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

ADOPTED this 20th day of June, 1995.

_____
Mayor

ATTEST:

_____
City Clerk

I, Verna L. Rollinger, City Clerk of the City of Laguna Beach, certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on June 20, 1995, and was duly adopted at a regular meeting of the City Council of said City held on _____, 1995 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

_____

City Clerk of the City of Laguna Beach,
California

ORDINANCE NO. 1316

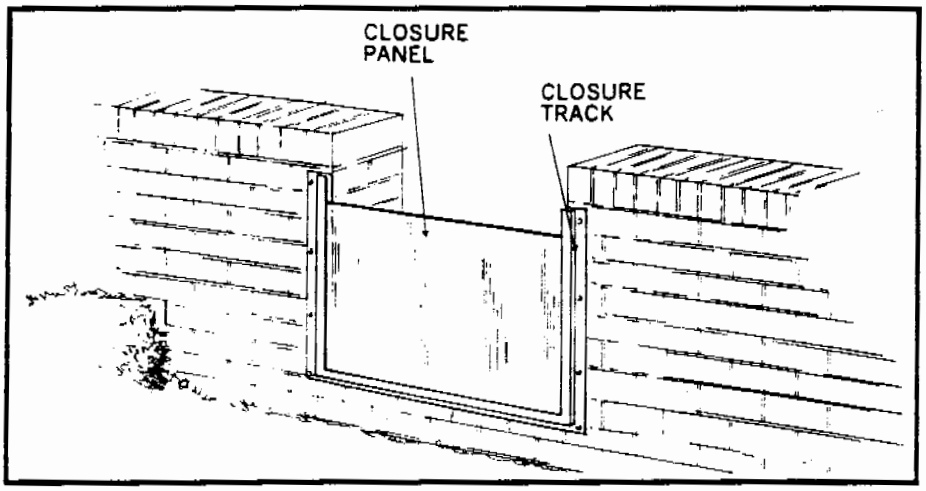
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 25.38 REQUIRING INSTALLATION OF FLOOD PROTECTION MEASURES FOR CERTAIN REMODELING PROJECTS LOCATED IN THE DOWNTOWN FLOOD PLAIN

The City Council of the City of Laguna Beach does hereby ordain as follows:

Section 1: Municipal Code Section 25.38 shall be amended by inserting the following sections which read as follows:

25.38.060(8a) Contingency Floodproofing Measures are devices intended to seal structural openings, such as doors and windows, from flood waters. These measures include, but are not limited to, flood shields, watertight doors, moveable floodwalls, partitions, water-resistive sealant devices and other similar techniques. These devices may be permanently installed or stored on-site for use in the event of a flood. Temporary emergency measures such as sandbags, plastic sheeting and similar devices are not classified as contingency measures.

An example of a flood shield used as a contingency floodproofing measure is:



25.38.175 Standards for Downtown Specific Plan Area. Except for the routine in-kind replacement of fixtures, mechanical equipment and similar devices, properties located in areas of special flood hazard within the Downtown Specific Plan Area shall install contingency floodproofing measures in conjunction with additions, alterations, improvements or remodels of less than 50% of the market value of the structure but valued at more than $5,000 as determined by the City. Valuation shall be based on the construction type and "Building Valuation Data" table utilized by the City staff in determining building permit fees. A minimum of an additional 5% of the total remodeling cost shall be used to provide floodproofing measures in the following priority of implementation:

(1) Doors. Hinged and/or removable panels and similar barriers that can withstand the hydrostatic and hydrodynamic pressures of flood waters.

(2) Windows. Hinged and/or removable panels or any other fenestration, glazing, or protective techniques capable of withstanding flood waters. (Only windows subject to flood waters are required to be retrofitted with contingency floodproofing measures.)

(3) Other openings. Application of plates, sealants, mortar, gaskets and similar materials around and in utility openings and similar wall penetrations.

If any remodeling project involves the replacement of any exterior doors, windows and/or utility openings subject to flood waters, such openings shall incorporate contingency floodproofing measures.

The foregoing contingency floodproofing measures shall extend to a minimum height of 6 inches above the base flood elevation measured at the improvement location. Removable devices shall be maintained in good repair on the premises for rapid and effective deployment when flooding is imminent. Sequential improvements over time to the same structure shall each observe the 5% floodproofing contingency requirement until the entire structure has been protected with contingency floodproofing measures. These requirements do not apply to activities that would not otherwise require any City approvals or permits.

These requirements do not apply to projects that meet the definition of "substantial improvement." Substantial improvements shall comply with all flood prevention regulations, including anchoring, bracing and the raising of structures above the base flood elevation irrespective of the requirements for smaller projects.

The Flood Plain Administrator shall provide, and from time to time may revise and update, suitable design guidelines and details showing the methods, materials, and implementation of the devices

25.38.175 Standards for Downtown Specific Plan Area. Except for the routine in-kind replacement of fixtures, mechanical equipment and similar devices, properties located in areas of special flood hazard within the Downtown Specific Plan Area shall install contingency floodproofing measures in conjunction with additions, alterations, improvements or remodels of less than 50% of the market value of the structure but valued at more than $5,000 as determined by the City. Valuation shall be based on the construction type and "Building Valuation Data" table utilized by the City staff in determining building permit fees. A minimum of an additional 5% of the total remodeling cost shall be used to provide floodproofing measures in the following priority of implementation:

(1) Doors. Hinged and/or removable panels and similar barriers that can withstand the hydrostatic and hydrodynamic pressures of flood waters.

(2) Windows. Hinged and/or removable panels or any other fenestration, glazing, or protective techniques capable of withstanding flood waters. (Only windows subject to flood waters are required to be retrofitted with contingency floodproofing measures.)

(3) Other openings. Application of plates, sealants, mortar, gaskets and similar materials around and in utility openings and similar wall penetrations.

If any remodeling project involves the replacement of any exterior doors, windows and/or utility openings subject to flood waters, such openings shall incorporate contingency floodproofing measures.

The foregoing contingency floodproofing measures shall extend to a minimum height of 6 inches above the base flood elevation measured at the improvement location. Removable devices shall be maintained in good repair on the premises for rapid and effective deployment when flooding is imminent. Sequential improvements over time to the same structure shall each observe the 5% floodproofing contingency requirement until the entire structure has been protected with contingency floodproofing measures. These requirements do not apply to activities that would not otherwise require any City approvals or permits.

These requirements do not apply to projects that meet the definition of "substantial improvement." Substantial improvements shall comply with all flood prevention regulations, including anchoring, bracing and the raising of structures above the base flood elevation irrespective of the requirements for smaller projects.

The Flood Plain Administrator shall provide, and from time to time may revise and update, suitable design guidelines and details showing the methods, materials, and implementation of the devices

required by this section. Property owners shall demonstrate compliance with such standards and details before a final permit release is granted by the City. The Flood Plain Administrator must review and approve the plans for the proposed contingency floodproofing measures.

25.38.095 Nonconforming Structures. The restoration of any nonconforming structure pursuant to Section 25.56.014 of the Zoning Code shall comply in all respects with these flood damage prevention regulations.

Section 2: A Notice of Exemption has been prepared which determined that this ordinance amendment is categorically exempt under Section 15308 of the Guidelines for the Implementation of the California Environmental Quality Act.

Section 3: The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after final approval by the City Council.

ADOPTED this 7th day of May, 1996

Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on March 5, 1996, and was finally adopted at a regular meeting of the City Council of said City held on May 7, 1996 by the following vote:

AYES:	COUNCILMEMBER(S):	Blackburn, Dicterow, Baglin, Freeman, Peterson
NOES:	COUNCILMEMBER(S):	None
ABSENT:	COUNCILMEMBER(S):	None

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1320

AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING CHAPTER 25.55 TO THE LAGUNA BEACH MUNICIPAL CODE AND AMENDING OR DELETING VARIOUS OTHER MUNICIPAL CODE SECTIONS RELATING TO TELECOMMUNICATION FACILITIES

WHEREAS, on April 10, April 24 and May 8, 1996, the Planning Commission conducted legally noticed public hearings on said zoning ordinance amendment, and after reviewing all documents and testimony voted to recommend approval of said ordinance amendment to the City Council; and

WHEREAS, the City Council thereafter conducted a legally noticed public hearing on said zoning ordinance amendment, and after reviewing all documents and testimony on said zoning ordinance amendment, desires to approve it.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Laguna Beach does ordain as follows:

Section 1: Chapter 25.55 is hereby added to the Municipal Code to read in its entirety as follows:

Chapter 25.55

TELECOMMUNICATION FACILITIES

Sections:

25.55.002 Intent and Purpose. The following regulations shall apply throughout the City of Laguna Beach. These standards are intended to protect the health, safety, and

welfare of persons living and working in the City, and to preserve aesthetic values and scenic qualities in the City without prohibiting any entity or person(s) from providing or receiving telecommunications service.

25.55.004 Definitions.

"Amateur ('Ham') Radio Antenna" means an antenna constructed and operated for transmitting and receiving radio signals for noncommercial purposes, usually in relation to a person's hobby.

"Antenna" means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based systems;

"Array" means a group of antennas located on the same structure;

"Base Level Radio Frequency (RF) Radiation" means the existing background power density radiation from a proposed telecommunication transmitting antenna site made prior to a permit application for such facilities;

"Carrier" means any company that is engaged in the provision of a communication service;

"Cellular" refers to wireless communication transmitted by electromagnetic waves;

"Co-location" refers to multiple wireless communication devices sharing the same site;

"Duplexer" means a combining device that allows a transceiver to use a single antenna for both transmitting and receiving;

"Directional Antenna" means a panel or rectangular antenna used to achieve transmission or reception in a specified direction;

"Federal Communications Commission (FCC)" means the independent U.S. governmental agency charged with regulating interstate and international communications by radio, television, wire, satellite and cable;

"Height" means the distance from the existing grade at the base of the antenna or, in the case of a roof-mounted antenna, from the highest point of grade at the exterior base of the building to the highest point of the antenna and any associated support structure when fully extended;

"Maximum Radio Frequency (RF) Radiation" means the power density radiation from all existing and proposed telecommunication transmitting antennas at a particular site where all the antennas' channels are simultaneously operating or projected to operate at their maximum design effective radiated power;

"Monopole" means a tubular antenna support structure typically made of steel, wood or concrete;

"Omnidirectional Antenna" means an antenna used to achieve transmission or reception in all directions;

"Parabolic Antenna" means a specialized antenna that has a circular curved surface which transmits or receives signals in the microwave area of the radio frequency spectrum, used to link different types of wireless facilities;

"Power Density Radiation" means the magnitude of the flow of electromagnetic energy at a point in space, measured in power, usually milliwatts (10^{-3} watts) or microwatts (10^{-6} watts), per unit area, usually centimeters squared.

"Radio Frequency (RF) Radiation" consists of waves of electric and magnetic energy moving together through space radiating from a transmitting device to a receiving device to achieve wireless communication;

"Safety Standards" means the most current adopted rules for human exposure limits for Radio Frequency (RF) radiation adopted by the Federal Communications Commission (FCC);

"Satellite Antenna" means a parabolic antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

"Telecommunication Facility" means a land use that sends and/or receives radio frequency signals, including but not limited to directional, omnidirectional, and parabolic antennas, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land or structure on which they are all situated. It does not include mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas;

"Testing Protocol" means the most current method of Radio Frequency (RF) radiation measurement adopted by the Federal Communications Commission (FCC).

25.55.006 Permits Required.

(A) Telecommunication Facilities Subject to Design Review. All telecommunication facilities, unless specifically exempted, are subject to Design Review Board review and approval, as provided for in Section 25.05.040. If the proposed antenna site is unimproved, an associated Coastal Development Permit will also be required pursuant to Chapter 25.07. Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008.

The following classes of satellite antennas are exempt from Design Review requirements:

1) A satellite antenna that is one meter (39.37 inches) or less in diameter; and

2) A satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district.

(B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, telecommunication facilities that exceed twenty (20) feet in height are also subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030. If the proposed antenna site is unimproved, an associated Coastal Development Permit will also be required pursuant to Chapter 25.07. Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008. The following classes of satellite antennas are exempt from Conditional Use Permit requirements:

1) A satellite antenna that is one meter (39.37 inches) or less in diameter; and

2) A satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district.

(C) Submittal Requirements. In addition to the standard submittal requirements for a Design Review or a Conditional Use Permit application which proposes any telecommunication facility that contains transmitting antenna(s), except in relation to amateur 'ham' radio antenna(s), the existing base level Radio Frequency (RF) radiation and maximum Radio Frequency (RF) radiation at the proposed site shall be provided. Any telecommunication transmitting antenna(s) existing within one (1) mile of the project site shall be identified, and their individual contribution(s) to the base level Radio Frequency (RF) radiation shall be estimated.

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to Design Review or Conditional Use Permit application processing shall comply with the noticing provisions of Municipal Code Section 25.05.065(C) and (D), except that the requirements for newspaper advertising shall not apply and a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site.

25.55.008 Review Criteria/Standard Conditions.

(A) Location. Telecommunication facilities may be permitted in any zone, right-of-way or easement, except the Open Space/Conservation (OS/C) Zone.

(B) Height. Telecommunication facilities shall be subject to the maximum height limits of the zoning district in which such facilities are proposed to be located, including the building height provisions of Section 25.08.016 and the maximum building height provisions of Chapter 25.51 or any adopted Specific Plan provisions. The height of a non-exempt parabolic antenna shall be measured from its most vertical position. The maximum height permitted in any right-of-way or easement shall be thirty-six (36) feet or the height of the closest existing utility pole, whichever is lower.

(C) Safety. Access to telecommunication facilities shall be restricted to maximize public safety. Security measures should include fencing, screening and signage, as deemed appropriate by the Design Review Board.

(D) Aesthetics. The City's "Guidelines for Site Selection and Visual Impact and Screening of Telecommunication Facilities," which is on file with the Community Development Department for review and copying, shall be utilized to reduce visual impact. In an effort to reduce a proposed telecommunication facility's aesthetic visual impact, the Design Review Board may request that alternative designs be developed and submitted for the Board's consideration. Co-location of telecommunication facilities is desirable, but

there shall not be an unsightly proliferation of telecommunication facilities on one site which adversely affects community scenic and economic values.

(E) Interference. Telecommunication facilities shall be located, designed, and operated in a manner that complies with all of the most current Federal Communications Commission (FCC) permits, requirements and conditions to prevent neighborhood electrical interference.

(F) Radio Frequency (RF) Radiation Standard. Within three (3) months after construction of a telecommunication facility which contains transmitting antenna(s), except in relation to amateur 'ham' radio antenna(s), the maximum Radio Frequency (RF) radiation shall be measured and documented in a written report submitted to the City. The measurement and report shall be performed and prepared by a qualified, independent testing service/consultant retained by the City at the applicant's expense. The measurement shall be made utilizing the most current testing protocol established by the Federal Communications Commission (FCC). The maximum Radio Frequency (RF) radiation shall not exceed the most current FCC Safety Standards.

(G) Long-Term Compliance. In order to guarantee long-term compliance with conditions of approval, that power levels remain as specified, and that the equipment is operating as designed, the operator of an approved transmitting antenna shall submit an affidavit indicating that the telecommunication facility is operating as approved, and that

the facility complies with the most current FCC Safety Standards. The affidavit shall be submitted on a yearly basis prior to the anniversary date of the facility approval for as long as the facility remains in operation. In addition, the City may conduct independent tests to verify compliance with the most current FCC Safety Standards. The Planning Commission shall periodically review the approved telecommunication facility sites and determine if testing is necessary. Approved telecommunication facility providers shall be notified of all such Planning Commission determination hearings. The operator(s) of the approved telecommunication facility shall be responsible for the full cost of such tests.

Section 2: Municipal Code Section 25.05.040, Subsections (B)(f) and (n) are hereby amended to read in their entirety as follows:

(f) Telecommunication facilities subject to the provisions of Chapter 25.55. (The two classes of satellite antennas exempt from the Design Review requirements are as follows:

1) A satellite antenna that is one meter (39.37 inches) or less in diameter;

2) A satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district;)

(n) Grading in excess of twenty (20) cubic yards, except as specified in Section 22.10.010(e);

Section 3: The following Municipal Code Sections are hereby deleted:

Section 25.10.006, Subsection (G);

Section 25.12.006, Subsection (H);

Section 25.14.006, Subsection (H);

Section 25.20.006, Subsection (O);

Section 25.28.020, Subsection (J);

Section 25.44.040, (the entire section).

Section 4: Municipal Code Section 25.41.007, Subsection (C) is hereby amended to read in its entirety as follows:

(C) All structures, including radio, television or telecommunication antennas and related support structures and equipment, shall be prohibited within areas zoned as Open Space/Conservation.

Section 5: Municipal Code Chapter 11.06 is hereby adopted to read in its entirety as follows:

Chapter 11.06

TELECOMMUNICATION FACILITIES WITHIN RIGHT-OF-WAY

Sections:

11.06.010 Telecommunication Facilities located within Right-of-Way.

All telecommunication facilities, as defined in Chapter 25.55, which are proposed within any public or private right-of-way or easement shall be subject to the provisions and requirements of Chapter 25.55.

Section 6: The "Guidelines for Site Selection and Visual Impact and Screening of Telecommunication Facilities" dated June, 1996, are hereby adopted. Any proposed amendments thereto may be adopted by a resolution of the City Council after consideration and recommendation by the Planning Commission.

Section 7: A Notice of Exemption has been prepared which determined that this ordinance amendment is categorically exempt under Section 15308 of the State CEQA Guidelines for implementing the California Environmental Quality Act.

Section 8: This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

Section 9: The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after final approval by the City Council.

ADOPTED this 18th day of June, 1996.

Mayor

ATTEST:

City Clerk

I, Verna L. Rollinger, City Clerk of the City of Laguna Beach, certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on June 4, 1996, and was duly adopted at a regular meeting of the City Council of said City held on June 18, 1996, by the following vote:

AYES:	COUNCILMEMBERS:	Blackburn, Dicterow, Baglin, Freeman, Peterson
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Verna L. Rollinger
City Clerk

ORDINANCE NO. 1327

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE CHAPTER 25.54 REGARDING THE ESTABLISHMENT OF MURAL REGULATIONS AND AMENDING MUNICIPAL CODE CHAPTER 25.08 REGARDING THE DELETION OF SIGN-RELATED DEFINITIONS.

WHEREAS, on June 11 and August 13, 1997, the Planning Commission conducted legally noticed public hearings on Zoning Ordinance Amendment 97-02, and after reviewing all documents and considering all evidence and testimony voted to recommend approval of said Zoning Ordinance Amendment; and

WHEREAS, on October 7, 1997, the City Council conducted a legally noticed public hearing on Zoning Ordinance Amendment 97-02, and after reviewing all documents and considering all evidence and testimony on said Zoning Ordinance Amendment, desires to approve it.

NOW, THEREFORE, the City Council of the City of Laguna Beach does ordain as follows:

Section 1. Municipal Code Section 25.54.024 shall be added to Chapter 25.54, Sign Regulations, as follows:

25.54.24 Murals.

(A) Murals shall conform to the design standards and permit procedures outlined below for such signs; except that murals proposed in compliance with Chapter 1.09 (Art in Public Places) shall be governed by the design standards and permit procedures of that Chapter, and murals which are considered to be wall signs, pursuant to the definition of "Mural" in Section 25.54.006, shall conform to the design standards and permit procedures applicable to such wall signs.

(B) The following procedures shall govern the approval of murals not considered to be wall signs.

(1) Applications. Applications for mural permits shall be submitted to the Department of Community Development on an approved application form and shall be accompanied by the following: a site plan showing the lot and building dimensions and indicating the proposed location of the mural; a scale drawing and color photo of the building showing the proposed size and placement of the mural; a colored drawing of the proposed mural; and the proposed maintenance schedule.

(2) Arts Commission Review Required. Prior to the required Design Review, the Arts Commission shall serve an advisory role by providing a recommendation to the Design Review Board regarding all proposed murals.

(3) Design Review Required. All proposed murals shall be subject to the review and approval of the Design Review Board, including the noticing requirements set forth in Section 25.05.040 for Design Review. The Design Review Board shall consider the recommendations of the Arts Commission in reviewing mural applications.

(4) Design Criteria. In addition to the design criteria set forth in Section 25.05.040 for Design Review, the following criteria shall be considered in the review of mural applications:

(a) Visual Enhancement. The proposed mural has attributes that enhance visual enjoyment.

(b) Artistic Excellence. The proposed mural exemplifies high artistic quality.

(c) Public Safety. The proposed mural does not create a public safety issue, such as a distraction to drivers.

(5) Lighting. Murals shall not be lighted in any manner.

(6) Long-term Maintenance. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule approved by the Design Review Board.

Section 2. Municipal Code Section 25.54.006 shall be amended to alphabetically add the following definition:

"Mural" means a work of art or painting that is applied to and made an integral part of an exterior wall. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representations of any person, product or service that identify or advertise a business. Signatures shall be allowed and limited to a maximum of two (2) square feet in size.

Section 3. The following definitions shall be deleted from Municipal Code Chapter 25.08:

~~"Advertising sign"~~
~~"Animated sign"~~
~~"Billboard"~~
~~"Building identification sign"~~
~~"Directional sign"~~
~~"Directly lighted"~~
~~"Identification sign"~~
~~"Indirectly lighted"~~
~~"Neon sign"~~
~~"Parallel sign"~~
~~"Poster"~~
~~"Public service sign"~~
~~"Sign"~~
~~"Sign area"~~
~~"Sign, ground"~~

~~"Sign, identification"~~
~~"Sign, parallel"~~
~~"Sign, pole"~~
~~"Sign, projecting"~~
~~"Sign, real estate"~~
"Sign, ~~roof~~"

Section 4. This Ordinance is exempt from compliance with the California Environmental Quality Act pursuant to Section 15308 of the State CEQA Guidelines for implementing the Act, and a Notice of Exemption has been prepared.

Section 5. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

Section 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after final approval by the City Council.

ADOPTED this 21st day of October, 1997.

_____
Paul P. Freeman, Mayor

ATTEST:

_____
City Clerk

I, Verna L. Rollinger, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance, No. ____, was introduced at a regular meeting of the City Council held on October 7, 1997, and was duly adopted at a regular meeting of the City Council of said City held on October 21, 1997, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBERS(S):

_____

City Clerk , City of Laguna Beach, CA

ORDINANCE NO. 1332

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE CHAPTER 25.54 REGARDING THE ESTABLISHMENT OF MURAL REGULATIONS AND AMENDING MUNICIPAL CODE CHAPTER 25.08 REGARDING THE DELETION OF SIGN-RELATED DEFINITIONS.

WHEREAS, on June 11 and August 13, 1997, the Planning Commission conducted legally noticed public hearings on Zoning Ordinance Amendment 97-02, and after reviewing all documents and considering all evidence and testimony voted to recommend approval of said Zoning Ordinance Amendment; and

WHEREAS, on October 7, 1997, the City Council conducted a legally noticed public hearing on Zoning Ordinance Amendment 97-02, and after reviewing all documents and considering all evidence and testimony on said Zoning Ordinance Amendment, desires to approve it.

NOW, THEREFORE, the City Council of the City of Laguna Beach does ordain as follows:

Section 1. Municipal Code Section 25.54.024 shall be added to Chapter 25.54, Sign Regulations, as follows:

25.54.24 Murals.

(A) Murals shall conform to the design standards and permit procedures outlined below for such signs; except that murals proposed in compliance with Chapter 1.09 (Art in Public Places) shall be governed by the design standards and permit procedures of that Chapter, and murals which are considered to be wall signs, pursuant to the definition of "Mural" in Section 25.54.006, shall conform to the design standards and permit procedures applicable to such wall signs.

(B) The following procedures shall govern the approval of murals not considered to be wall signs.

(1) Applications. Applications for mural permits shall be submitted to the Department of Community Development on an approved application form and shall be accompanied by the following: a site plan showing the lot and building dimensions and indicating the proposed location of the mural; a scale drawing and color photo of the building showing the proposed size and placement of the mural; a colored drawing of the proposed mural; and the proposed maintenance schedule.

(2) Arts Commission Review Required. Prior to the required Design Review, the Arts Commission shall serve an advisory role by providing a recommendation to the Design Review Board regarding all proposed murals.

(3) Design Review Required. All proposed murals shall be subject to the review and approval of the Design Review Board, including the noticing requirements set forth in Section 25.05.040 for Design Review. The Design Review Board shall consider the recommendations of the Arts Commission in reviewing mural applications.

(4) Design Criteria. In addition to the design criteria set forth in Section 25.05.040 for Design Review, the following criteria shall be considered in the review of mural applications:

(a) Visual Enhancement. The proposed mural has attributes that enhance visual enjoyment.

(b) Artistic Excellence. The proposed mural exemplifies high artistic quality.

(c) Public Safety. The proposed mural does not create a public safety issue, such as a distraction to drivers.

(5) Lighting. Murals shall not be lighted in any manner.

(6) Long-term Maintenance. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Design Review Board.

Section 2. Municipal Code Section 25.54.006 shall be amended to alphabetically add the following definition:

"Mural" means a work of art or painting that is applied to and made an integral part of an exterior wall. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representations of any person, product or service that identify or advertise a business. Signatures shall be allowed and limited to a maximum of two (2) square feet in size.

Section 3. The following definitions shall be deleted from Municipal Code Chapter 25.08:

"Advertising sign"
"Animated sign"
"Billboard"
"Building identification sign"
"Directional sign"
"Directly lighted"
"Identification sign"
"Indirectly lighted"
"Neon sign"
"Parallel sign"
"Poster"
"Public service sign"
"Sign"
"Sign area"

"Sign, ground"
"Sign, identification"
"Sign, parallel"
"Sign, pole"
"Sign, projecting"
"Sign, real estate"
"Sign, roof"

Section 4. This Ordinance is exempt from compliance with the California Environmental Quality Act pursuant to Section 15308 of the State CEQA Guidelines for implementing the Act, and a Notice of Exemption has been prepared.

Section 5. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

Section 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after final approval by the City Council.

ADOPTED this 21st day of October 1997.

Paul P. Freeman, Mayor

ATTEST:

City Clerk

I, Verna L. Rollinger, City Clerk of the City of Laguna Beach, California, do hereby certify that the foregoing Ordinance, No. 1332, was introduced at a regular meeting of the City Council held on October 7, 1997, and was duly adopted at a regular meeting of the City Council of said City held on October 21, 1997, by the following vote:

AYES:	COUNCILMEMBER(S):	Blackburn, Baglin, Dicterow, Freeman
NOES:	COUNCILMEMBER(S):	Peterson
ABSENT:	COUNCILMEMBER(S):	None

Verna L. Rollinger

City Clerk , City of Laguna Beach, CA

Exhibit 11
4 of 4

ORDINANCE NO. 1336

AN ORDINANCE OF THE CITY OF LAGUNA BEACH REPEALING MUNICIPAL CODE SECTION 25.32.007 ARTISTS' JOINT LIVING AND WORKING QUARTERS AND CHAPTER 25.16 R-H RESIDENTIAL HILLSIDE ZONE, ADDING CHAPTER 25.16 ARTISTS' LIVE/WORK, AND AMENDING AND DELETING OTHER SECTIONS OF THE ZONING ORDINANCE RELATED TO THE REGULATION OF THE ARTISTS' LIVE/WORK USE

WHEREAS, on May 28, July 9, September 10 and September 24, 1997, the Planning Commission conducted legally noticed public hearings on Ordinance Amendment 96-07, and after reviewing all documents and testimony voted to recommend approval of said amendments of the Laguna Beach Municipal Code relating to the Artists' Live/Work Use; and

WHEREAS, on October 21, 1997, the City Council conducted a legally noticed public hearing on Ordinance Amendment 96-07, and after reviewing all documents and testimony on said amendment, desires to approve amendments to the Laguna Beach Municipal Code relating to the Artists' Live/Work Use.

NOW, THEREFORE, the City Council of the City of Laguna Beach does hereby ordain as follows:

SECTION 1. Section 25.32.007, Artists' Joint Living and Working Quarters, is hereby repealed in its entirety.

SECTION 2. Chapter 25.16, R-H Residential Hillside Zone is hereby repealed in its entirety.

SECTION 3. Chapter 25.16 is hereby adopted in its entirety as follows:

Chapter 25.16
ARTISTS' LIVE/WORK
(Original Ordinance was Section 25.32.007)

Chapter Sections:

25.16.030 Definitions
25.16.040 Minimum Requirements for Artists' Joint Living and Working Units
25.16.050 Performance Standards
25.16.060 Findings

25.16.010 Intent and purpose

The purpose of this Chapter is to provide Laguna Beach artists the opportunity to create art in a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Laguna Beach. It is intended to implement the applicable provisions of the General Plan and to promote compatible living and working conditions within a safe and healthy environment on properties zoned M-1A Light Industrial, C-N Commercial-Neighborhood, C-1 Local Business, LBP Local Business Professional, Downtown Specific Plan – CBD-3 Canyon Commercial, CBD-Office, CBD Central Bluffs, R-2 Residential Medium Density and R-3 Residential High Density.

It is also the intent of this Chapter to ensure that artists' live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both artists' live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone.

25.16.020 Conditional Use Permit Required

Artists' Joint Living and Working Units, pursuant to this Chapter, shall be subject to the approval of a Conditional Use Permit as provided for in Section 25.05.030. The approval of such Conditional Use Permit shall be subject to the findings set forth in Section 25.16.060. The applicant(s) for a Conditional Use Permit shall be the owner(s) of the real property on which the artists' live/work use is proposed to be established, or his/her authorized agent.

25.16.030 Definitions

For the purposes of this chapter, the following terms are defined as:

(1) "Artist" is an individual who creates art products such as, but not limited to paintings, drawings, sculptures, ceramics, literature, music, dancing or dramatic art as a primary occupation or as a full-time student of the arts.

(2) "Artists' Joint Living and Working Unit" is a physically connected dwelling unit and working space, occupied and utilized by a single housekeeping unit that has been structurally modified or designed to accommodate joint residential occupancy and working activity and which includes the following: a) complete kitchen space and sanitary facilities; b) working space reserved for and regularly used by one or more occupants of the unit.

25.16.040 Minimum requirements for Artists' Joint Living and Working Units

(A) Development Standards. The development standards of the applicable zone shall provide the basis for development of Artists' Joint Living and Working Units. In the event of a conflict between the development standards set forth in the zone and the following standards, the provisions of this Section shall take precedence. All Artists' Joint Living and Working Units shall be designed to comply with applicable building code standards

adopted by the City. The City reserves the right to perform on-site inspections to determine compliance with this Chapter and the Conditional Use Permit.

(1) Artists' Joint Living and Working Units are allowed in the following zones, subject to a Conditional Use Permit: M-1A Light Industrial, C-N Commercial-Neighborhood, C-1 Local Business, LBP Local Business Professional, Downtown Specific Plan – CBD-3 Canyon Commercial, CBD-Office, CBD Central Bluffs, R-2 Residential Medium Density and R-3 Residential High Density.

(2) Unit Size /Density Standards and General Provisions.

(a) Minimum unit size shall be five hundred (500) square feet.

(b) At least thirty percent (30%) of the total square footage of the unit shall be allocated to working area in all zones except the C-1 and C-N Zones, in which a minimum of fifty percent (50%) of the total square footage of the units shall be allocated to working area and the living area must be located above the ground floor.

(c) The density standards applicable to each project shall be no greater than the density otherwise allowed in the underlying zone.

(d) Building setbacks shall be determined by the Planning Commission, but in no instance shall be less than twenty (20) feet where a property line directly abuts the R-1 Zone. The front, side and rear setbacks specified in the R-2 and R-3 Zones shall be the minimum setback applicable to proposed Artists' Living and Working units.

(3) Loading space requirements shall be determined by the Planning Commission based upon the proposed use.

(4) Parking shall be provided in accordance with residential parking standards as indicated in Chapter 25.52, except that covered parking requirements need not be met in the following zones: M-1A Light Industrial, C-N Commercial-Neighborhood, C-1 Local Business, LBP Local Business Professional, Downtown Specific Plan – CBD-3 Canyon Commercial, CBD-Office and CBD Central Bluffs.

(5) Additional parking shall be provided in accordance with the minor retail function requirements set forth in subsection B of this Section.

(6) All living space shall be contiguous with and made an integral part of the working space; however, direct access between living and working areas shall not be required.

(7) Living and working spaces shall not be rented or sold separately.

(8) The layout of the live/work development shall be compatible in character and scale with surrounding areas, as determined by the Planning Commission.

(9) Subsequent to Planning Commission approval, the project's architectural design and landscaping plan shall be reviewed for approval by the Design Review Board.

(10) Employees may be permitted subject to Planning Commission determination that adequate parking has been provided for such employees at the site, but employees shall be prohibited in the R-2 and R-3 Zones.

(11) A certificate of use shall be obtained in accordance with Chapter 25.62.

(12) The use of individual units shall be for artists and their immediate families.

(13) The particular type(s) of artwork(s) to be created in an Artists' Joint Living and Working Unit shall be specified within the approved Conditional Use Permit.

(14) Modifications. Additions or enlargements of structures, modification of floor areas designated to living and working spaces, or any subsequent change in the approved type(s) of artwork(s), shall require the subsequent review and approval of an amendment to the Conditional Use Permit.

(15) The use of materials or mechanical equipment not part of normal household or hobby uses, and not materials or equipment used in the creation of art, shall be prohibited in the R-2 and R-3 Zones.

(16) Newspaper advertising or other advertising, which identifies the address of the artists' live/work unit, shall be prohibited for uses located in the R-2 and R-3 Zones.

(17) The use, whenever located in the R-2 or R-3 Zones, shall not generate pedestrian or vehicular traffic beyond that normal to the residences in the area.

(18) The use, whenever located in the R-2 or R-3 Zones, shall not involve the use of commercial vehicles for delivery or pickup of materials or equipment to or from the premises beyond that normal to the residences in the area. An exception may be granted by the Planning Commission, with a condition regulating the frequency, days of the week and hours of delivery/pickup.

(19) Storage of materials and/or supplies indoors or outdoors, for purposes other than those permitted in the zone in which the use is located, shall be prohibited.

(20) The installation of signs or construction of structures, other than those permitted in the zone in which the use is located, shall be prohibited.

(21) In no way shall the appearance of the structure be altered, or the conduct of the use within the structure be such that the structure may be reasonably recognized as serving a non-residential use (either by color, materials, construction, lighting, signs, odors, noises, vibrations, etc.) in the R-2 or R-3 Zones.

(22) All uses and interior layouts shall be subject to the review and approval of the Fire Chief.

(23) Unprotected openings or non-rated walls less than five feet from the side and rear property lines, except openings adjacent to a street or alley, shall be prohibited.

(24) Each of the above enumerated standards, together with all other conditions imposed on the Conditional Use Permit, shall be set forth in covenants, conditions and restrictions, which shall be recorded with respect to the property after review and approval of the City Attorney.

(B) Criteria for Minor Retail Function. Limited retail functions, in conjunction with Artists' Joint Living and Working Units, may be permissible as determined by provisions of the conditional use permit and subject to the minimum conditions outlined below. The minor retail function is not allowed in the R-2 Residential Medium Density and R-3 Residential High Density Zones.

(1) Retail functions shall not be approved unless determined compatible with surrounding uses.

(2) The retail use shall be limited to the display and retail sale of works created in that unit.

(3) Retail functions as specified above shall not occupy more than 10% of the gross floor area of the unit.

(4) Retail space shall be integrated with working space.

(5) A commercial business license shall be obtained.

(6) Commercial parking requirements shall be calculated in accordance with chapter 25.52, retail use, and in no circumstance shall less than one (1) space be provided.

(C) Responsibilities of Owner. Prior to occupancy of the unit, the owner shall notify all tenants of the conditions listed within the Conditional Use Permit resolution. This notification shall include the following:

(1) That the approved use at the site is an Artists' Joint Living and Working Unit.

(2) Under the General Plan and the adopted zoning, the area in which the proposed use is to be located is principally commercial or industrial zone and residential uses are considered ancillary to the commercial/industrial orientation of the area. Exception: Units in R-2 and R-3 Zones need not include this condition.

(3) By selecting this type of residence, in a commercial or industrial zone, the tenant acknowledges the commercial/industrial conditions found in the area.

(4) By selecting an artists' joint living and working unit in an R-2 or R-3 Zone, the occupant(s) agree to create artwork in such a manner that avoids noise, odors or other environmental impacts that may disrupt occupants located in the residential zone.

(5) The use may be subject to additional review upon receipt of written complaints and will terminate immediately upon the expiration, revocation or termination of the Conditional Use Permit. Upon termination, the unit may not be used for any purpose unless the structure and use conform in all aspects to the underlying zoning.

(6) The owner of the Artists' Live/Work Unit(s) shall be required to sign a statement indicating that such unit(s) is in compliance with the conditions of this Chapter and the related Conditional Use Permit. This affidavit shall be submitted annually for as long as the Conditional Use Permit remains effective.

(7) The applicant agrees that upon reasonable notification, the City shall have the right to perform on-site inspections to determine compliance with this Chapter and the approved Conditional Use Permit.

25.16.050 Performance Standards

The following performance standards shall apply to all artists' joint living and working units and all Planned Artists' Developments .

(1) Noise. Noise resulting from the conduct of the approved art use shall be muffled so as not to become disruptive to surrounding neighbors due to volume, tone, intermittence, beat, frequency or shrillness.

(2) Odor. Every use shall be operated in such a manner that it does not emit an obnoxious odor or fumes beyond the working unit/area.

(3) Smoke. Every use shall be operated in such a manner that it does not emit smoke into the atmosphere.

(4) Dust and Dirt. Every use shall be operated in such a manner that it does not emit any dust or dirt into the atmosphere.

25.16.060 Findings

(1) The proposed use at the location requested will not significantly:

(a) Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area; or

(b) Impair the use and enjoyment of surrounding property in the vicinity of the site.

(2) The proposed site is adequate in size and shape to accommodate the yards, open space, walls, fences, parking and loading facilities, landscaping and other development requirements as required to integrate the use with existing and planned uses in the surrounding area; and

(3) The proposed site is adequately served:

(a) By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; and

(b) By other public or private service facilities as are required.

(4) There are sufficient conditions imposed to ensure that the living and working spaces are not separately rented.

SECTION 4. Section 25.08.002 is hereby amended to delete in their entirety, the definitions of "Artist" and "Artists joint living and working quarters."

SECTION 5. Section 25.12.006(J) is hereby amended in its entirety to read as follows: Artists' Joint Living and Working Units, as defined in Chapter 25.16.

SECTION 6. Section 25.14.006(H) is hereby amended in its entirety to read as follows: Artists' Joint Living and Working Units, as defined in Chapter 25.16.

SECTION 7. Section 25.18.004(O) is hereby amended in its entirety to read as follows: Art studios and supplies, including Artists' Joint Living and Working Units, as defined in Chapter 25.16.

SECTION 8. Section 25.19.006(K) is hereby amended in its entirety to read as follows: Artists' Joint Living and Working Units, as defined in Chapter 25.16; and Section 25.19.006(L) is hereby added to read as follows: Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public, health, safety and welfare of the neighborhood than any use listed above. Such uses shall be inclusive of uses expressly allowed in the C-1 zone, but shall not include those uses listed exclusively as industrial or light industrial uses in the M-1 or M-1A zones.

SECTION 9. Section 25.20.006(O) is hereby amended in its entirety to read as follows: Artists' Joint Living and Working Units, as defined in Chapter 25.16.

SECTION 10. Section 25.32.003(J) is hereby amended in its entirety to read as follows: Artists' Joint Living and Working Units, as defined in Chapter 25.16.

SECTION 11. The Laguna Canyon Annexation Area Specific Plan, M-1B Light Industrial Zone Section, specifying Uses Permitted Subject to a Conditional Use Permit, is

hereby amended in its entirety to read as follows: (A) Noncommercial storage of horses and commercial horse stables subject to the following minimum conditions; (1) One-half acre minimum site required; (2) There shall be no more than one horse over eight months of age per each ½ acre of land; (3) No shelter or supplementary feeding of, or any structures designed for such shelter or such feeding of animals within 40 feet of any rear or side property line. (B) Car repair; (C) Sound production studios; (D) Small animal hospitals; (E) Kennels and catteries subject to the provisions of Chapter 6.13 of the Municipal Code. (F) Machinery and equipment rental (excluding vehicles); (G) Expansion of legal, nonconforming residential uses or structures; (H) Outdoor display of merchandise (and associated retail sales), including the sale of animal skins; (I) Such other uses as the Planning Commission may deem, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the above listed uses.

SECTION 12. The following Sections of the Downtown Specific Plan, are hereby amended to read as follows:

CBD-3 Canyon Commercial – Uses permitted subject to a conditional use permit.

(3) Art studios and supplies, including Artists' Joint Living and Working Units, as defined in Chapter 25.16.

CBD-Office District – Uses permitted subject to a conditional use permit.

(7) Art studios, including Artists' Joint Living and Working Units, as defined in Chapter 25.16.

CBD-Central Bluffs - Uses permitted subject to a conditional use permit.

(12) Art studios, including Artists' Joint Living and Working Units, as defined in Chapter 25.16.

(13) Other uses the Planning Commission deems after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the welfare of the neighborhood than any use listed above.

SECTION 13. This Ordinance is exempt from compliance with the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 14. This Ordinance is intended to be of City-wide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 15. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 18th day of November, 1997.

Paul P. Freeman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance 1336 was introduced at a regular meeting of the City Council on October 21, 1997, and was finally adopted at a regular meeting of the City Council of said City held on November 18, 1997, by the following vote:

AYES: COUNCILMEMBER(S) Freeman, Baglin, Blackburn, Dicterow, Peterson

NOES: COUNCILMEMBER(S) None

ABSENT: COUNCILMEMBER(S) None

Verna L Rollinger

City Clerk, of the City of Laguna Beach, CA

ORDINANCE NO. 1344

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE CHAPTER 12.08 REGARDING PRESERVATION OF HERITAGE TREES AND SECTION 12.16.040 REGARDING VIEW PRESERVATION.

WHEREAS, on May 13, and June 10, 1998, the Planning Commission conducted legally noticed public hearings and, and after reviewing all documents and testimony, voted to recommend that the City Council approve Ordinance Amendment 98-01; and

WHEREAS, on July 21, 1998, the City Council conducted a legally noticed public hearing and, after reviewing all documents and testimony, desires to approve Ordinance Amendment 98-01

NOW, THEREFORE, the City Council of the City of Laguna Beach does ordain as follows:

SECTION 1. Chapter 12.08 is hereby amended to read in its entirety as follows:

Chapter 12.08
PRESERVATION OF HERITAGE TREES

Sections:

12.08.010 Intent and purpose

This Chapter is intended to preserve distinctive trees in the City of Laguna Beach which, because of their size, age and/or special features promote the beauty, character and/or sense of history in the City. ~~adopted because the City has been forested with stands of eucalyptus, sycamore, pine, cypress, palm and other trees, the preservation of which is necessary for the health and welfare of the citizens of this City in order to preserve the scenic beauty, prevent erosion of topsoil, protect against flood hazards and the risk of landslides,~~

their own property and their views if they weren't allowed to trim or remove tree branches extending onto their own property.

Commissioner Vail asked Ms. McKean whether a property owner could trim foliage encroaching on their own property from an adjoining property. Ms. McKean stated that if the ordinance were passed as currently proposed, it would only allow a tree owner to trim or modify the tree. Staff noted that the current language states "any person" and would be changed to "tree owner" with the current proposed changes. Ms. McKean felt the ordinance should allow any person to apply for a permit and not just the property owner.

Ann Christoph felt that heritage trees should be relieved of any requirement to be pruned to protect views. She felt that only a tree owner should be able to apply to remove or substantially alter his tree and a fine should be imposed for anyone who alters or removes a heritage tree without a permit.

Joy Dickerson urged the Commission not to require public noticing of hearings regarding applications for heritage tree designation. She felt it would add a burden on the tree owner and would create more problems with the neighbors. She felt special trees should be protected and tree owners should be given incentives to place their trees on the heritage list.

Commissioners' Comments: Commissioner Pearson felt the noticing should remain because an application for a heritage tree designation would impact the neighborhood.

Commissioner Vail agreed with the language to "preserve the health and safety of trees". He was concerned that the ordinance didn't take into account the view preservation ordinance.

Commissioner Grossman suggested adding a section that would allow the view preservation ordinance to apply to heritage trees.

Commissioner Kinsman was concerned that the heritage tree ordinance doesn't address how the trees are to be maintained. She said the view ordinance states how the trees are to be laced, etc., but the heritage tree ordinance does not give such criteria for trimming.

After discussion, the Commission made minor language changes to the draft. Commissioner Kinsman will review the final draft prior to the City Council's review of the draft ordinance.

Motion NG Second GV Action Recommend approval to the City Council of Ordinance Amendment 98-01, Preservation of Heritage Trees, as amended. Motion carried 4-0.

Vote: Kinsman Y Vail Y Chapman Absent Grossman Y Pearson Y

~~counteract the pollutants in the air, maintain the climatic balance and decrease wind velocities.~~

It is also the intent of this Chapter to establish regulations for the preservation of heritage trees within the City, and to encourage property owners to retain~~, and~~ maintain ~~their trees consistent with the purpose hereof~~ and preserve the aesthetic character and health and safety of heritage trees.

~~It is not the intent of this Chapter to prevent the use of private property for the normal purposes allowed in the zoning ordinance, consistent with the Chapter.~~

12.08.020 Heritage tree ~~standards~~ criteria

The tree or trees shall have one of the following criteria in order to be eligible for placement on a heritage tree list as established in Section 12.08.040:

(a) A tree or stand of trees which is of historical significance and is older than 50 years ~~or trees which have taken on an aura of historical appeal~~;

~~(b) A tree which has a trunk with a circumference of fifty five inches or more for single trunk, or one hundred inches or more for multiple trunks, measured at twenty four inches above natural grade;~~

(~~e~~b) A tree or stand of trees which has ~~unique~~ distinctive characteristics of form, size or shape;

(c) A tree which is listed on the heritage tree candidate inventory;

(d) A tree or stand of trees associated with a person or an event of community-wide significance;

(e) A large tree or stand of trees remaining from an original native stand of California Live Oaks, Sycamores and Toyons; or

(f) A tree or stand of trees that is scenically prominent from public view corridors.

12.08.030 ~~Recognition of heritage tree owners.~~ Heritage tree incentives

(a) At the request of and with the heritage tree owner's written permission, the City shall maintain heritage trees located in the unimproved portion of a dedicated and accepted street right-of-way easement.

(b) ~~A certificate shall be presented to the owner and the~~ The tree shall be placed on the heritage tree list, and a certificate shall be presented to the owner. Notice of the existence of a heritage tree shall be included in the ~~residential~~ real property report issued by the City when property is sold.

Heritage tree owners are also eligible for the following benefits related to potential development improvements to property on which one or more heritage trees are located. The granting of any benefit shall be conditioned upon a written agreement between the City and the property owner ensuring the continued preservation and maintenance of the heritage tree(s) located on the subject property. The written agreement shall include a provision requiring subsequent heritage tree owners to continue preservation and maintenance.

(c) Payment of public hearing notice cost. Upon designation as a heritage tree by the City Council, the City shall reimburse the heritage tree owners their cost of providing the public hearing notice items to the City.

(d) Planning, design review and building permit application fees. Planning, design review and building permit application fees shall be waived one time annually for each type of application, up to a cumulative annual maximum of $500.

(e) Setback flexibility. In order to locate building additions in a manner that preserves one or more heritage trees, proposed additions may be allowed to maintain setbacks up to the line of existing encroachments, provided that all setbacks for new construction comply with the Uniform Building Code.

12.08.040 Procedure for establishment of a heritage tree list

A list of heritage trees ~~will be~~ has been established by the City Council by resolution, ~~which~~ and may be amended from time to time. Any property owner ~~of~~ in Laguna Beach desiring to have his/her own tree or trees placed on the heritage tree list may apply to the Director of Community Development for inclusion of the tree or trees on the list. The application shall be made on forms provided and shall ~~state among other things~~ include the location of the tree or trees, and the reasons ~~it or they qualify for inclusion~~ for qualification on the list, as found in Section 12.08.020. ~~The matter shall be set for hearing before the City Council as soon as practicable.~~ Notices shall be sent to the applicant and property owners within 300 feet of the applicant's property ~~by mail at least ten days prior to the public hearing~~. Such noticing procedure shall comply with the requirements of Section 25.05.065. No tree shall be altered in any way after the day of application and until final determination has been made, and the notice shall so state. ~~Notices shall be sent out within one working day of receipt of application.~~ Placement of a tree or stand of trees on the heritage tree list shall require a majority vote of the City Council.

The City Council, upon its own motion, may at any time review and reverse or modify its previous decisions to place any tree on the heritage tree list following the same public hearing and noticing procedure required above to designate a heritage tree.

12.08.050 Removal, destruction or ~~trimming~~ substantial alteration of heritage trees

Except for City-maintained heritage trees, ~~Each~~ each property owner is responsible for maintaining his/her heritage tree in a proper manner to sustain its health and ~~unique~~ distinctive qualities and to prevent ~~unjustifiable~~ unreasonable impairment of views from neighboring properties and neighboring property encroachment. Heritage trees shall be maintained in a manner consistent with the practices and policies described in the City's Landscape and Scenic Highways Resource Document.

It is ~~unlawful~~ a misdemeanor for any person to remove~~, or cause to be removed, destroyed or trimmed, so as to~~ destroy or substantially alter~~, the natural form~~ or cause to be removed, destroyed or substantially altered, any heritage tree ~~from any parcel of property~~ in the City without obtaining a permit to do so; provided that, in cases of emergency when a tree is hazardous or dangerous to life or property, it may be removed by order ~~of any member~~ of the Police or Fire Departments.

~~**12.08.060 Replacement of heritage trees**~~

~~At any time a permit is granted to remove a heritage tree, the Director of Community~~

~~Development shall require suitable replacements which shall be planted within one hundred eighty days of removal of the heritage tree unless there are extenuating circumstances. The replacement tree may be on site or at another location.~~

12.08.~~070~~060 Permits to ~~remove or trim~~ substantially alter a heritage tree

Any ~~person~~ heritage tree owner desiring to trim a heritage tree not maintained by the City ~~or to trim it~~ in a manner which substantially alters its natural form or engage in new construction within fifteen feet of the trunk of a heritage tree, shall apply to the Director of Community Development for a permit. Replacement or repair of existing construction shall be exempt from this permit requirement. The application for a permit shall be made on forms provided for that purpose; shall state, among other things, ~~the number and location of the tree to be removed by types; and shall show cause for removal of each, or~~ the way in which the heritage tree will be maintained during and following construction within fifteen feet of the trees, so that the tree will not be destroyed or substantially altered. ~~A~~ The property owner is encouraged to consult an arborist or other tree professional before submitting an application. The Director of Community Development shall review such application, and in determining whether or not to issue a permit shall base his/her decision upon the following criteria, as appropriate:

(a) The condition of the tree or trees with respect to disease and danger of falling, and interference with utility services;

(b) The proximity of the tree or trees to existing or proposed structures; and

~~(c) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;~~

~~(d) The number of trees existing in the neighborhood and the effect the removal would have on the established standards of the area;~~

(~~e~~c) The specific details of the trimming to be done~~;~~.

~~(f) The degree of view impairment or any unsafe condition that would result if the tree were to remain.~~

12.08.070 Permit to remove a heritage tree

Any heritage tree owner desiring to remove a heritage tree shall apply to the City Council for approval. Approval to remove a heritage tree shall require a majority vote of the City Council. The application shall include a scaled plan and photographic documentation delineating the location of the tree and the reason(s) for the proposed removal. Notices shall be sent by mail to the applicant and property owners within 300 feet of the applicant's property. Such noticing procedure shall comply with the requirements of Section 25.05.065. In its determination as to whether or not to approve the removal of a heritage tree, the City Council shall consider the following criteria, as appropriate:

(a) The condition of the tree or trees with respect to disease and danger of falling, and interference with utility services;

(b) The proximity of the tree or trees to existing or proposed structures;

(c) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;

(d) The number of trees existing in the neighborhood and the effect the removal

would have on the established landscape of the area; and

(e) The degree of view impairment or any unsafe condition that would result if the tree were to remain.

12.08.080 Appeals

Any decision of the Director of Community Development, pursuant to this Chapter, may be appealed to the City Council. Appeals shall be in writing, shall be signed by the applicant, shall state the reasons the appeal is made and shall be filed with the City Clerk not later than five p.m. of the tenth ~~calendar~~ business day after the decision.

The City Clerk shall set the matter for hearing before the City Council at the next regular meeting thereof, which is ten days or more after the receipt of the appeal. Notice of the time of the hearing shall be given the appellant and the applicant for permit, by mail, at least ~~five~~ ten days prior to the date of the hearing.

SECTION 2. Municipal Code Section 12.16.040 is hereby amended to read in its entirety as follows:

Chapter 12.16
VIEW PRESERVATION
Section 12.16.040

12.16.040 View and/or sunlight claim limitations

Subject to the other provisions of this Chapter, a real property owner in the City may initiate the claim resolution process as outlined in Section 12.16.060. However, a claim for view and/or sunlight access may only be made regarding any tree/vegetation located on real property, as defined in Section 12.16.030 which is within three hundred feet from the complainant's real property, and if a claim has not been initiated against that real property by the complainant or any real property owner within the last two years.

Requests for restoration action with regard to any tree and/or vegetation located on City property, parks and for City maintained trees may only be initiated as outlined in Section 12.04.070 of the Planting and Maintenance Ordinance (Chapter 12.04).

~~Requests for restoration action with regard to any heritage tree not maintained by the City may only be initiated as outlined in section 12.08.070 of the Preservation of Heritage Trees Ordinance (Chapter 12.08).~~

SECTION 3. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15301 (h) of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 4. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof

inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 21st day of July, 1998.

_____
Steven M. Dicterow, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on July 21st, 1998, and was finally adopted at a regular meeting of the City Council of said City held on _____, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk, of the City of Laguna Beach, CA

ORDINANCE NO. 1346

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTIONS 25.08.004, 25.12.006, 25.14.006, 25.18.004 AND 25.52.012, AND ADDING MUNICIPAL CODE CHAPTER 25.22 REGARDING BED AND BREAKFAST INNS.

WHEREAS, on July 29, 1998, the Planning Commission conducted a legally noticed public hearing and, after reviewing all documents and testimony, voted to recommend that the City Council approve amendments to Municipal Code Sections 25.08.004, 25.12.006, 25.14.006, 25.18.004 and 25.52.012, and add Municipal Code Chapter 25.22 regarding land use regulations relating to Bed and Breakfast Inns; and

WHEREAS, on September 1, 1998, the City Council conducted a legally noticed public hearing and, after reviewing all documents and testimony, desires to approve amendments to Municipal Code Sections 25.08.004, 25.12.006, 25.14.006, 25.18.004 and 25.52.012, and add Municipal Code Chapter 25.22 regarding land use regulations relating to Bed and Breakfast Inns.

NOW, THEREFORE, the City Council of the City of Laguna Beach does ordain as follows:

SECTION 1. Municipal Code Chapter 25.22, Bed and Breakfast Inns is hereby added to the Municipal Code to read as follows in its entirety:

Chapter 25.22
Bed and Breakfast Inns

Sections:

PH Sched

25.22.010 Intent and Purpose

The purpose of this Chapter is to provide the opportunity to create bed and breakfast inns utilizing historic structure(s) in certain zones within the City. This Ordinance is enacted on the basis of public policy that supports the City of Laguna Beach as a tourist destination and the preservation of historic structures within the City. This Ordinance also focuses on the need to provide incentives for owners to continue to occupy and maintain historic structures. This Ordinance emphasizes protection of neighborhoods with provisions that prohibit nuisance and detrimental change in the residential character of any site proposed for a bed and breakfast operation.

25.22.020 Definition

For the purposes of this Chapter, "Bed and Breakfast inn" means any residential dwelling(s) with short-term lodging rooms and the service of breakfast meals included in the daily room rate, and one common room available for guest interaction.

25.22.030 Conditional Use Permit Required

Bed and breakfast inns, pursuant to this Chapter, shall be subject to the approval of a Conditional Use Permit as provided for in Section 25.05.030. The approval of such Conditional Use Permit shall be subject to the findings set forth in Section 25.22.060. The applicant(s) for a Conditional Use Permit shall be the owner(s) of the real property on which the bed and breakfast inn is proposed to be established, or his/her authorized agent. The historic structure(s) shall be listed on the City's historic inventory at the time of Conditional Use Permit application. The Heritage Committee shall make a recommendation to the Planning Commission prior to its evaluation of a Conditional Use Permit application to establish a Bed and Breakfast Inn and to request parking reduction incentives under this Ordinance.

25.22.040 Minimum Requirements for Bed and Breakfast Inns

The following are the minimum requirements for the establishment of a bed and breakfast inn:

(1) Bed and breakfast inns shall be established primarily within residential dwellings designated on the City's historic register, and located in the R-2, R-3 or LB/P Zones. A minimum of 51% of the guest units on a building site shall be located within residences listed on the City's historic register.

(2) The inn shall be owner-occupied and managed.

(3) A maximum of five rooms shall be rented, unless the Planning Commission grants an exception subject to the findings of Section 25.22.060.

(4) Parking shall be provided in accordance with Chapter 25.52.

(5) A business license shall be obtained in accordance with Chapter 5.08, Business Licenses.

(6) All bed and breakfast inns shall be subject to the provisions of Chapter 5.05, Hotel-Motel Room Tax.

(7) Each bed and breakfast inn operator shall keep accurate financial records and a list of occupancy dates and names of all persons staying at the inn. Upon reasonable notice, such information shall be available for examination by City officials and auditors.

(8) The maximum stay for any occupants of a bed and breakfast inn shall be 30 consecutive days.

(9) Meals shall only be served to residents and overnight guests.

(10) The bed and breakfast structure(s) shall remain residential in character and allow for conversion back to a residential use; the kitchen shall not be remodeled into a commercial kitchen.

(11) Individual bed and breakfast units shall not contain cooking facilities.

(12) Rest homes, convalescent homes, hotels, motels, and boarding, lodging or rooming houses are not eligible for conversion to Bed and Breakfast Inns.

25.22.050 Historic Preservation Incentive

The following incentive may be allowed for proposed bed and breakfast inns, in addition to those specified in Chapter 25.45, Historic Preservation. The granting of such incentive shall be conditioned upon a written agreement between the City and property owner that ensures preservation of the building's historic character. Structures listed on the historic register, which are intended to be used as a bed and breakfast inns and are located in the R-2 or R-3 residential zones, may be granted a Conditional Use Permit to allow a reduction in parking requirements based on the degree to which the historic character of the building is preserved and/or enhanced. "E" rated structures may be granted up to a 75% parking reduction, "K" rated structures may be granted up to a 50% reduction, and "C" rated structures may be granted up to a 25% reduction. Such incentive shall be reviewed by the Heritage Committee, and the Committee shall make recommendations to the Planning Commission. After reviewing the Heritage Committee recommendations at a public hearing, the Planning Commission shall make recommendations to the City Council, which has the final approval authority.

25.22.060 Findings

(1) The proposed use at the location requested will not significantly cause an adverse or detrimental change to the health, safety or welfare of persons residing in the surrounding area.

(2) The proposed use and any parking reduction granted, at the location requested, will not significantly impair the use and enjoyment of persons residing in the vicinity of the site.

(3) The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.

(4) The proposed site is adequate in size and shape to accommodate the required development standards.

(5) There is not an over-proliferation or concentration of bed and breakfast inns within the neighborhood that the use is proposed.

SECTION 2. The definition of "Bed and breakfast inn" in Municipal Code Chapter 25.08.004 is hereby amended to read in its entirety as follows:

"Bed and breakfast inn" (See Chapter 25.22, Bed and Breakfast Inns);

SECTION 3. Municipal Code Section 25.12.006 (uses permitted subject to Conditional Use Permit in the R-2, Residential Medium Density Zone) is hereby amended to read in its entirety as follows:

25.12.006 Uses permitted subject to Conditional Use Permit.

The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Chapter 25.05.030:

(A) Church;
(B) Nursery school, preschool;
(C) Recreation facilities, municipal and public;
(D) Public and private schools;
(E) Rest home;
(F) Structures attached at common lot lines;
(G) Utility substation;
(H) Bed and breakfast inn, as defined and specified in Chapter 25.22; and
(I) Artists' joint living and working units, as defined and specified in Chapter 25.16.

SECTION 4. Municipal Code Section 25.14.006(I) (uses permitted subject to Conditional Use Permit in the R-3, Residential High Density Zone) is hereby amended to read in its entirety as follows:

(I) Bed and breakfast inn, as defined and specified in Chapter 25.22; and

SECTION 5. Municipal Code Section 25.18.004(U) (uses permitted subject to a Conditional Use Permit in the LB/P, Local Business/Professional Zone) is hereby amended to read in its entirety as follows:

(U) Bed and breakfast inn, as defined and specified in Chapter 25.22;

SECTION 6. The parking requirements for a Bed and Breakfast Inn as specified in Municipal Code Section 25.52.012(f) (number of parking spaces required for specific uses) is hereby amended to read as follows:

Bed and Breakfast Inn	The required number of spaces shall be 2 covered spaces per residence, plus 1 parking space for each guest unit. The guest spaces may be uncovered and/or in tandem.

SECTION 7. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 8. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 9. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 15th day of September, 1998.

Steven M. Dicterow, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on September 1, 1998, and was finally adopted at a regular meeting of the City Council of said City held on September 15, 1998, by the following vote:

AYES: COUNCILMEMBER(S): Blackburn, Freeman, Baglin. Dicterow

NOES: COUNCILMEMBER(S): Peterson

ABSENT: COUNCILMEMBER(S): None

Verna L Rollinger

City Clerk, of the City of Laguna Beach, CA

ORDINANCE NO. 1347

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE CHAPTER 25.35 REGARDING COMBINATION OF LOTS FOR DEVELOPMENT PURPOSES IN THE ARCH BEACH HEIGHTS SPECIFIC PLAN AREA.

WHEREAS, on August 12 and August 26, 1998, the Planning Commission conducted legally noticed public hearings and, after reviewing all documents, testimony and other evidence, voted to recommend that the City Council approve amending Municipal Code Chapter 25.35 regarding combination of lots for development purposes in the Arch Beach Heights Specific Plan Area; and

WHEREAS, on September 15 and October 6, 1998, the City Council conducted legally noticed public hearings and reviewed all documents, testimony and evidence presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN as follows:

SECTION 1. Section 25.35.65 is hereby added to the Laguna Beach Municipal Code, to read as follows:

25.35.65 Lot Combinations

A vacant building site may be combined with one or more vacant lots that are not building sites provided that:

(a) The gross floor area on the combined lot does not exceed 1.7 times the buildable area of the original, building site. Gross floor area shall be as defined in Section 25.08.012 and buildable area shall be as defined in Section 25.35.150. Except as set forth in Section 25.35.65(e) of this ordinance, this standard shall represent the maximum allowable gross floor area. The actual development allowed may be less due to localized conditions identified during the design review process.

(b) All proposed development shall be subject to the applicable standards of the Arch Beach Heights Specific Plan, except that a lot combination combining a vacant building site with one or more vacant lots that are not building sites does not qualify for the building permit points granted under Section 25.35.150.

(c) All proposed development shall be subject to design review requirements, goals and criteria, and processing as identified in Section 25.05.040.

(1 Book (#2)

(d) Special Findings Required. The following special findings must be made by the Design Review Board when approving development proposed for lot combinations:

1) The encroachment of development into the vacant lot areas that were not building sites results in protection or enhancement of public and/or private views.

2) The proposed development minimizes development-related impacts on the neighborhood and streetscape that would otherwise be permitted on the original, building site under current zoning regulations.

3) The proposed development, after the incorporation of reasonable mitigation measures, will not have any significant adverse impacts on high or very high value habitat.

4) The proposed development is in conformity with all applicable provisions of the general plan, including the certified local coastal program and the zoning code (Title 25).

(e) The floor area limit may be increased by the design review board when, in addition to the findings cited above, it is determined that the mass and scale of the project are compatible with the neighborhood pattern of development; it has been demonstrated that there are homes of comparable size within the immediate neighborhood; and the project is deemed a superior example of hillside development in accordance with the city's design guidelines for hillside development as adopted by Resolution No. 89-104 or as amended thereafter.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 3. This Ordinance is intended to be in effect and applicable to the Arch Beach Heights Specific Plan Area only. All ordinances and provisions of the Laguna Beach Municipal Code and Sections, including Planning Commission Interpretation I-93-01 pertaining to Sections 25.35.040 and 25.35.060, thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective

thirty (30) days after the final approval by the City Council.

ADOPTED this 6th day of October 1998.

Steven M. Dicterow, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1347 was introduced at a regular meeting of the City Council on September 15, 1998, and was finally adopted at a regular meeting of the City Council of said City held on October 6, 1998, by the following vote:

AYES: COUNCILMEMBER(S): Peterson, Blackburn, Freeman, Dicterow

NOES: COUNCILMEMBER(S): Baglin

ABSENT: COUNCILMEMBER(S): None

City Clerk, of the City of Laguna Beach, CA

ORDINANCE NO. 1351

AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING CHAPTER 25.85 TO THE LAGUNA BEACH MUNICIPAL CODE, ESTABLISHING A LIBRARY IMPACT FEE

WHEREAS, the basic funding for public library facilities and services in the City comes from the share of property taxes allocated to local agencies, as occasionally supplemented by county and/or state funds; and

WHEREAS, the consequences of the Orange County bankruptcy have resulted in the termination of county subsidies, a reduction of staffing, a decline in new book purchases, and a decrease in the number of operating days; and

WHEREAS, the existing public library facilities, books and reference materials, and services in the City are not sufficient to adequately serve an increased population; and

WHEREAS, the Mitigation Fee Act (California Government Code section 66000 *et seq.*) authorizes cities to establish a fee as a condition of approval of development project to defray all or a portion of the costs of public facilities related to the project, subject to certain determinations; and

WHEREAS, the County Librarian has determined that the size of library facilities and collections are driven by the population the library is intended to serve, such that additional residents to a library's service area will logically create greater demand and use of the facility and of its collection of materials for public use; and

WHEREAS, information furnished by the Orange County Public Library regarding the costs of new library facilities (construction, furnishings, and equipment) and new books

Rmlc

demonstrates per capita costs of $65.65 and $45.24, respectively, and currently available City population and residential unit data census data demonstrates an average of 1.87 residents per residential unit in the City, which together yield a total of $207.37 per residential unit for the costs of new library facilities and new books;

NOW, THEREFORE, the City Council of the City of Laguna Beach does hereby ordain as follows:

Section 1. Chapter 25.85 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

Chapter 25.85

LIBRARY IMPACT FEE

Sections:

25.85.010 Findings and Purpose.

The City Council finds that the residential development of land in the City creates a demand on and need for public library facilities and services which cannot be met by the ordinary revenues of the City. The demand and need for such facilities and services results directly from the increase in density in the City by the development of land that has heretofore been vacant and by the construction of additional residential units on land heretofore developed. The most practical and equitable method of collecting the funds necessary to provide such library facilities and services is to establish and impose an impact fee upon the construction of new residential units in the City and to expend those funds in a manner intended to mitigate the adverse effects of new residential units on library facilities and services. In establishing and imposing this fee, the City Council has determined that there is a reasonable relationship between the amount and use of the fee, the type of development on which the fee is imposed, and the need for and/or cost of the public facility or service attributable to the development.

25.85.020 New Residential Unit.

As used in this Chapter, the term "new residential unit" shall mean (a) the construction of a residential unit on land that has been vacant prior to such construction, and (b) the construction of an additional residential unit on land that was developed prior to such construction. A "new residential unit" does not include the reconstruction of a residential unit that was destroyed by fire, flood, earthquake or other disaster to the extent that the square footage of the reconstruction does not exceed the square footage of the area destroyed.

25.85.030 Impact Fee Imposed.

A library impact fee is hereby imposed upon the construction of each new residential unit in the City for which a building permit is issued on or after the effective date of this Chapter. The amount of the impact fee shall be two hundred dollars ($200.00) per unit. The amount of the impact fee may hereafter from time to time be reviewed and adjusted by the City Council in accordance with available census data, actual library construction costs, and actual costs of library books and reference materials.

25.85.040 Payment of Fee Required for Permit and Construction.

The impact fee shall be due and payable concurrently with the application for a building permit. No building permit shall be issued and no person shall commence the construction of any new residential unit in the City without the library impact fee due the City under this Chapter first having been paid.

25.85.050 Fund Created and Disposition of Proceeds.

All proceeds from the impact fee collected under this Chapter shall be deposited into a special fund of the City entitled "Library Facilities and Services," which fund is hereby created. Expenditures from the fund shall be used solely for the purpose of acquiring, building, improving, expanding, maintaining, and operating public libraries located within the City, including but not limited to the purchase of books, reference materials, equipment, furnishings, and other necessary supplies. Any interest income earned by moneys in the fund shall also be deposited into the fund.

Section 2. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent

it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

Section 3. All ordinances and sections of the Laguna Beach Municipal Code inconsistent with this Ordinance shall be and the same are hereby repealed to the extent of such inconsistency and no further.

Section 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of thirty (30) days from and after the date of its adoption.

Adopted this 19th day of January, 1999.

Steven M. Dicterow, Mayor

ATTEST:

City Clerk

I, VERNA L. ROLLINGER, City Clerk of the City of Laguna Beach, certify that the foregoing Ordinance was introduced at a regular meeting of the City Council held on January 5, 1999 and was finally passed and adopted at a regular meeting of the City Council of said City held on January 19, , 1999 by the following vote:

AYES:	COUNCILMEMBERS:	Peterson, Iseman, Freeman, Blackburn, Dicterow
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

Verna L. Rollinger

City Clerk, City of Laguna Beach

ORDINANCE NO. 1352

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTION 21.08.130(g) REGARDING THE METHOD OF CALCULATING THE PARKLAND IN-LIEU FEE FOR SUBDIVISIONS.

WHEREAS, on January 5, 1999, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Section 21.08.130(g) is hereby amended to read in its entirety as follows:

Amount of Fee In-Lieu of Land Dedication. Where a fee is required to be paid in-lieu of land dedication, the amount of such fee shall be based upon the following provisions:

During the first year after adoption of this ordinance, the fee shall be based on the average sales price per acre of vacant residentially zoned property sold within the twelve-month period immediately preceding the date of the City Council review of the final map. For the second year after adoption of this ordinance, the fee will be based on the average sales price per acre of vacant residentially zoned property sold within the previous twenty-four month period preceding the date of City Council review of the final map. From and after the third year following adoption of this ordinance, the fee will be based on the average sales price per acre of vacant residentially zoned property sold within the previous thirty-six month period preceding the date of City Council review of the final map. The amount of such fee to be paid shall correspond to the value of the amount of land which would otherwise be required to be dedicated, ~~fair market value of the amount of land which would otherwise be required to be dedicated~~ pursuant to the provisions contained in subsection (d) hereof. ~~The "fair market value" shall be determined at the time of filing the final map or parcel map.~~

SECTION 2. This Ordinance amendment is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ___ day of _____, 1999.

_____
Steven M. Dicterow, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 5, 1999, and was finally adopted at a regular meeting of the City Council of said City held on _____, 1999, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1353

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING CHAPTERS 25.12, 25.14, 25.18, 25.19, 25.20 AND 25.21, AND ADDING CHAPTER 25.23 OF THE LAGUNA BEACH MUNICIPAL CODE REGARDING SHORT-TERM LODGING

WHEREAS, on November 18 and December 9, 1998, the Planning Commission conducted legally noticed public hearings and, and after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve this Ordinance regarding short-term lodging; and

WHEREAS, on January 5, 1999, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Chapter 25.23 (Short-Term Lodging) is hereby added to the Laguna Beach Municipal Code and shall read in its entirety as follows:

Chapter 25.23
SHORT-TERM LODGING

Sections:

25.23.010 Purpose and Findings

The City Council of the City of Laguna Beach finds and declares as follows:

(A) Tourists, who rent short-term lodging units, can escalate the demand for City services and create adverse impacts in zoning districts that allow residential uses.

(B) Incidents involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, illegal vehicle parking and accumulation of refuse can be directly related to short-term lodging units which require response from police, fire, paramedic and other City services.

(C) Agents and/or absentee owners operate many short-term lodgings.

(D) The restrictions of this Chapter are necessary to prevent the burden on City services and adverse impacts on residential neighborhoods posed by short-term lodgings.

25.23.020 Definitions

For the purpose of this Chapter, the following definitions shall apply:

(A) "District" shall mean the zones of the City designated by Title 25 of the Municipal Code.

(B) "Lodging unit" or "Unit" shall mean the same as a "dwelling unit," which is a room or suite of rooms with a single kitchen used for the residential use and occupancy of one family, and which is rented to person(s) other than the owner. (The density standards applicable to short-term lodging units shall be no greater than the density otherwise allowed in the underlying zone.)

(C) "Owner" shall mean the person(s) or entity(ies) that hold(s) legal and/or equitable title to the lodging unit.

(D) "Short-term" shall mean occupancy of a lodging unit for a period of thirty (30) consecutive calendar days or less.

25.23.030 Administrative Use Permit Required

Short-term lodging units shall only be allowed within the R-2, R-3, LB/P, C-N, C-1 or CH-M Zoning Districts subject to the approval of an Administrative Use Permit as provided for in Section 25.05.020 issued pursuant to this Chapter. No owner of a dwelling unit or units located outside of those zoning districts shall rent that unit or units for a short-term. No owner of a lodging unit or units located within those zoning districts shall rent that unit or units for a short-term without a valid Administrative Use Permit issued pursuant to this Chapter.

25.23.040 Conditions

All Administrative Use Permits issued pursuant to this Chapter shall be subject to the following standard conditions. As a result of issues identified during the Administrative Use Permit review process, other conditions may be imposed to ensure that the proposed use does not adversely effect the health, safety and general welfare of the occupants of adjacent property and the neighborhood. Failure to comply with any of the imposed conditions may be grounds for possible revocation of the Administrative Use Permit for short-term lodging as provided for in Section 25.05.075.

(A) Overnight occupancy of short-term lodging unit(s) shall be limited to a specific number of occupants, and the number of occupants shall not exceed that permitted by the provisions of Titles 14 (Building and Construction) and 15 (Fire) of the Laguna Beach Municipal Code;

(B) Occupants and/or guests of short-term lodging unit(s) shall not create unreasonable noise or disturbances, engage in disorderly conduct or violate provisions of the Laguna Beach Municipal Code or any State Law pertaining to noise, collection and disposal of refuse, disorderly conduct, the consumption of alcohol or the use of illegal drugs;

(C) A valid business license issued by the City for the separate business of operating short-term lodging unit(s) shall be obtained prior to renting short-term lodging; and

(D) A valid Transient Occupancy Registration Certificate issued by the City for the lodging unit(s) per Chapter 5.05 (Hotel-Motel Room Tax) shall be obtained prior to renting short-term lodging, and the transient occupancy tax shall be paid as required by that Chapter.

25.23.050 Amortization

The operation of any legal, nonconforming short-term lodging unit(s) in existence as of the effective date of this ordinance shall cease and be discontinued within two (2) years from the effective date of this ordinance unless the owner(s) of such units obtain an Administrative Use Permit in accordance with the provisions of this Title 25. This section does not in any way preclude the requirements of Chapter 5.05, which requires the collection of a transient occupancy tax for any person renting a space in a hotel (as defined in Section 5.05.020) containing three or more units for thirty (30) consecutive calendar days or less.

SECTION 2. Section 25.12.005 of Chapter 25.12 (R-2, Residential Medium Density Zone) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.12.005 Uses Permitted Subject to an Administrative Use Permit

The following uses may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Family day care home, large, subject to the following standards:

(1) The operator of the facility must be licensed pursuant to Chapter 3.5 or3.6 of the State Health and Safety Code;

(2) A business license shall be obtained in accordance with Chapter 5.08, Business Licenses;

(3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010;

(4) Parking shall be in compliance with Chapter 25.52;

(5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

(6) Outdoor play for children shall not begin before nine-thirty a.m.;

(7) The facility shall comply with State Fire Marshall fire and life safety standards.

(B) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 3. Section 25.14.005 of Chapter 25.14 (R-3, Residential High Density Zone) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.14.005 Uses Permitted Subject to an Administrative Use Permit

The following uses may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Family day care home, large, subject to the following standards:

(1) The operator of the facility must be licensed pursuant to Chapter 3.5 or3.6 of the State Health and Safety Code;

(2) A business license shall be obtained in accordance with Chapter 5.08, Business Licenses;

(3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010;

(4) Parking shall be in compliance with Chapter 25.52;

(5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

(6) Outdoor play for children shall not begin before nine-thirty a.m.;

(7) The facility shall comply with State Fire Marshall fire and life safety standards.

(B) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 4. Section 25.18.006 of Chapter 25.18 (LB/P, Local Business/Professional Zone) of the Laguna Beach Municipal Code is hereby amended to read in its entirety as follows:

25.18.006 Uses Permitted Subject to an Administrative Use Permit

The following uses may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Family day care home, large, subject to the following standards:

(1) The operator of the facility must be licensed pursuant to Chapter 3.5 or3.6 of the State Health and Safety Code;

(2) A business license shall be obtained in accordance with Chapter 5.08, Business Licenses;

(3) No signs identifying the day care facility are permitted other than those permitted pursuant to Section 25.54.010;

(4) Parking shall be in compliance with Chapter 25.52;

(5) Hours of operation shall be limited to the hours between seven a.m. and seven p.m.;

(6) Outdoor play for children shall not begin before nine-thirty a.m.;

(7) The facility shall comply with State Fire Marshall fire and life safety standards.

(B) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 5. Section 25.19.004 of Chapter 25.19 (C-N, Commercial-Neighborhood Zone) of the Laguna Beach Municipal Code is hereby added to read in its entirety as follows:

25.19.004 Uses Permitted Subject to an Administrative Use Permit

The following may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 6. Section 25.20.005 of Chapter 25.20 (C-1, Local Business Zone) of the Laguna Beach Municipal Code is hereby added to read in its entirety as follows:

25.20.005 Uses Permitted Subject to an Administrative Use Permit

The following may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 7. Section 25.21.005 of Chapter 25.21 (CH-M, Commercial Hotel-Motel Zone) of the Laguna Beach Municipal Code is hereby added to read in its entirety as follows:

25.21.005 Uses Permitted Subject to an Administrative Use Permit

The following may be permitted subject to the granting of an Administrative Use Permit as provided for in Section 25.05.020:

(A) Short-Term Lodging as defined and specified in Chapter 25.23.

SECTION 8 This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 9. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 10. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this . . . day of . . ., 1999.

Steven M. Dicterow, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 5, 1999, and was finally adopted at a regular meeting of the City Council of said City held on . . ., by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1359

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTIONS 25.18.004, 25.19.002, 25.19.006, 25.20.004 AND 25.20.006 REGARDING DRIVE-IN, FULL-SERVICE AND TAKE-OUT RESTAURANTS.

WHEREAS, on August 11, 1999, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve Zoning Ordinance Amendment 99-02; and

WHEREAS, on September 21, 1999, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Sections 25.18.004 (J), (K) and (L) of the Local Business-Professional Zone are hereby amended to read in their entirety as follows:

25.18.004

J. Cafes, full-service and take-out restaurants and tea rooms~~,~~ , ~~with indoor and/or outdoor seating, serving of alcoholic beverages, dancing and/or entertainment only as authorized under the conditional use permit,~~ (Drive-in restaurants are not permitted.)

K. Establishments serving alcoholic beverages.

L. Establishments with dancing and/or entertainment.

And former subsections "K. Delicatessen." Through "X. Other uses the planning commission deems ...." shall be relabeled "M." through "Y."

SECTION 2. Section 25.19.002 (E) and Section 25.19.006 (B) of the C-N Commercial Neighborhood Zone are hereby amended to read in their entirety as follows:

25.19.002

(E) Cafes, full-service and take-out restaurants, delicatessens and tea rooms with or without outdoor seating not serving alcoholic beverages. (Drive-in restaurants are not permitted);

25.19.006

(B) Cafes, full-service and take-out restaurants, delicatessens and tea rooms with or without outdoor seating serving alcoholic beverages. (Drive-in restaurants are not permitted.);

SECTION 3. Sections 25.20.004 (A)(3) and (B)(3), and Sections 25.20.006 (C) and (F) of the C-1 Local Business District are hereby amended in their entirety as follows:

Section 25.20.004

(A)(3) Cafes, full-service and take-out restaurants and tearooms not serving alcoholic beverages and with no dancing or entertainment,

(B)(3) Full-service and take-out restaurants or cafes for the serving of meals and refreshments other than alcoholic beverages to customers at tables in the open, in connection with a café or full-service or take-out restaurant which is operated within a building.

Section 25.20.006

(C) Cafes, full-service and take-out restaurants, and dining rooms serving alcoholic beverages and/or providing entertainment to customers;

(F) Drive-in restaurants;

and former Subsections 25.20.006 "(F) Establishments for the sale of alcoholic beverages..." through "(S) The following uses may be permitted ...." shall be relabeled (G) through (T).

SECTION 4. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines.

SECTION 5. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ..... day of ....., 1999.

_____
Steven M. Dicterow, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on October 5,

1999, and was finally adopted at a regular meeting of the City Council of said City held on . . ., by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1360

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE CHAPTER 25.12 REGARDING LOT COVERAGE APPLICABLE TO SINGLE-FAMILY DWELLINGS IN THE R-2 ZONING DISTRICT.

WHEREAS, on July 28, 1999, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve this Ordinance regarding allowable lot coverage and rear yard setback applicable to single-family dwellings located in the R-2 Zoning District; and

WHEREAS, on October 19, and November 2, 1999, the City Council conducted legally noticed public hearings and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH does **ORDAIN,** as follows:

SECTION 1. Section 25.12.008(C)(9) is hereby added to read in its entirety as follows: Single-Family Residence. Lots improved with one single family dwelling, shall have a maximum building site coverage as specified in Section 25.10.008(E)(c). Building site coverage includes habitable enclosed building space and covered off-street parking. The building site coverage may be modified by the Design Review Board when it is necessary to preserve views or to maintain neighborhood development patterns.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines, and a Notice of Exemption has been prepared.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 2nd day of November, 1999.

_____
Steven M. Dicterow, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on October 19, 1999, and was finally adopted at a regular meeting of the City Council of said City held on November 2, 1999, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1386

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE TELECOMMUNICATION FACILITY REGULATIONS OF THE CITY -- MUNICIPAL CODE CHAPTER 25.55

WHEREAS, on April 11, 2001, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.55 regarding telecommunication facility regulations; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Chapter 25.55 regarding the City's Telecommunication Facility Regulations is hereby amended in its entirety as specified in Attachment A.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 5. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same

manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this _____ day of _____, 2001.

_____
Paul P. Freeman, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on August 7, 2001 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2001 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

Chapter 25.55 - TELECOMMUNICATION FACILITIES

Sections:

25.55.002 Intent and Purpose.

The following regulations shall apply throughout the City. These standards are intended to protect the health, safety and welfare of persons living and working in the City, and to preserve aesthetic values and scenic qualities in the City without prohibiting any entity or person(s) from providing or receiving telecommunications service. (Ord. 1320 § 1 (part), 1996).

25.55.004 Definitions.

"Amateur (ham) radio antenna" means an antenna constructed and operated for transmitting and receiving radio signals for noncommercial purposes, usually in relation to a person's hobby.

"Antenna" means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based systems.

"Array" means a group of antennas located on the same structure.

"Base level radio frequency (RF) radiation" means the existing background power density radiation from a proposed telecommunication transmitting antenna site including all existing telecommunication transmitting antennas made prior to a permit application for such facilities.

"Carrier" means any company that is engaged in the provision of a communication service.

"Cellular" refers to wireless telephone communication transmitted by electromagnetic waves.

"Co-location" refers to multiple wireless communication devices sharing the same site.

"Duplexer" means a combining device that allows a transceiver to use a single antenna for both transmitting and receiving.

"Directional antenna" means a panel or rectangular antenna used to achieve transmission or reception in a specified direction.

"Effective Radiated Power (ERP)" means the operative amount of power leaving the transmitting antenna. The ERP is determined by factors, including but not limited to, transmitter output power, coaxial line loss between the transmitter and the antenna, and the "gain" (focusing effect) of the antenna.

"Federal Communications Commission (FCC)" means the independent U.S. governmental agency charged with regulating interstate and international communications by radio, television, wire, satellite and cable.

"Height" means the distance from the existing grade at the base of the antenna or, in the case of a roof mounted antenna, from the highest point of grade at the exterior base of the building to the highest point of the antenna and any associated support structure when fully extended.

"Maximum radio frequency (RF) radiation" means the base level radio frequency (RF) radiation and the power density radiation from ~~all existing and~~the proposed telecommunication transmitting antennas at a particular site where all the antennas' channels are simultaneously operating or projected to operate at their maximum design ~~effective radiated power~~Effective Radiated Power (ERP).

"Monopole" means a tubular antenna support structure typically made of steel, wood or concrete.

"Omnidirectional antenna" means an antenna used to achieve transmission or reception in all directions.

"Parabolic antenna" means a specialized antenna that has a circular curved surface which transmits or receives signals in the microwave area of the radio frequency spectrum, used to link different types of wireless facilities.

"Power density radiation" means the magnitude of the flow of electromagnetic energy at a point in space, measured in power, usually milliwatts (10^{-3} watts) or microwatts (10^{-6} watts), per unit area, usually centimeters squared.

"Radio frequency (RF) radiation" consists of waves of electric and magnetic energy moving together through space radiating from a transmitting device to a receiving device to achieve wireless communication.

"Safety standards" means the most current adopted rules for human exposure limits for radio frequency (RF) radiation adopted by the Federal Communications Commission (FCC).

"Satellite antenna" means a parabolic antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

"Telecommunication facility" means a land use that sends and/or receives radio frequency signals, including but not limited to directional, omnidirectional and parabolic antennas, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land or structure on which they are all situated. It does not include mobile transmitting devices, such as vehicle or hand held radios/telephones and their associated transmitting antennas.

"Testing protocol" means the most current method of radio frequency (RF) radiation measurement adopted by the Federal Communications Commission (FCC). (Ord. 1320 § 1 (part), 1996).

25.55.006 Permits Required.

(A) Telecommunication Facilities Subject to Design Review. All telecommunication facilities, unless specifically exempted, are subject to Design Review Board review and approval, as provided for in Section 25.05.040. ~~If the proposed antenna site is unimproved, an associated coastal development permit will also be required pursuant to Chapter 25.07.~~ Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008.

The following ~~classes of satellite~~ antennas are exempt from design review requirements:

(1) A receiving satellite antenna that is one meter (39.37 inches) or less in diameter; ~~and~~

(2) A receiving satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district.; and

(3) An antenna and all supporting equipment constructed in an existing structure, if the installation is located entirely within the structure's physical limits or "envelope" and the structure's exterior appears to remain unchanged, or if the installation is located below the upper limits of an existing roof parapet.

(B) Telecommunication Facilities Subject to a Conditional Use Permit. Unless specifically exempted, all telecommunication facilities ~~that exceed twenty feet in height~~ are ~~also~~ subject to the granting of a conditional use permit as provided for in Section 25.05.030. If the proposed antenna site is unimproved, an associated coastal development permit will also be required pursuant to Chapter 25.07. Telecommunication facilities shall comply with the review criteria/standard conditions of Section 25.55.008. The following classes of satellite antennas are exempt from conditional use permit requirements:

(1) A receiving satellite antenna that is one meter (39.37 inches) or less in diameter; and

(2) A receiving satellite antenna that is two meters (78.74 inches) or less in diameter and is located in any commercial or industrial land use zoning district.

(C) Submittal Requirements. In addition to the standard submittal requirements for a ~~design review or a~~ conditional use permit application which proposes any telecommunication facility that contains transmitting antenna(s), except in relation to amateur ham radio antenna(s), the existing base level radio frequency (RF) radiation, ~~and~~ the maximum radio frequency (RF) radiation, the Effective Radiated Power (ERP) per channel and the total number of channels for an omnidirectional antenna or the maximum number of channels in any sector for a sectored antenna at the proposed site shall be provided. ~~Any telecommunication transmitting antenna(s) existing within one mile of the project site shall be identified, and their individual contribution(s) to the base level Radio Frequency (RF) radiation shall be estimated.~~

(D) Noticing Requirements. Public notice for telecommunication facility projects subject to design review or conditional use permit application processing shall comply with the noticing provisions of Section 25.05.065(C) and (D), except that the requirements for newspaper advertising shall not apply and a public notice shall be mailed to residents or tenant occupants as well as property owners within three hundred feet of the project site. (Ord. 1320 § 1 (part), 1996).

25.55.008 Review Criteria/Standard Conditions.

(A) Location. Telecommunication facilities may be permitted in any zone, right-of-way or easement, except the Open Space/Conservation (OS/C) Zone.

(B) Height. Telecommunication facilities shall be ~~subject to the maximum height limits of the zoning district in which such facilities are proposed to be located, including the building height provisions of Section 25.08.016 and the maximum building height provisions of Chapter 25.51 or any adopted specific plan provisions~~limited to a maximum height of thirty-six (36) feet above the highest point of grade as defined in Section 25.51.002(A). The height of a non-exempt parabolic antenna shall be measured from its most vertical position and extent. The maximum height permitted in any right-of-way or easement shall be thirty-six (36) feet or the height of the closest existing utility pole, whichever is lower. Telecommunication facilities may be constructed in an existing legal, conforming or nonconforming structure at any height, if the installation is located entirely within the structure's physical limits or "envelope" and the structure's exterior appears to remain unchanged. Telecommunication facilities may be installed on the outside of an existing legal, conforming or nonconforming structure at any height, if such installation adds no more that ten (10) inches of horizontal width to a structure's vertical surface, or if the facilities are located below the upper limits of an existing roof parapet.

(C) Safety. Access to telecommunication facilities shall be restricted to maximize public safety. Security measures should include fencing, screening and signage, as deemed appropriate by the Design Review Board.

(D) Aesthetics. The City's "Guidelines for Site Selection and Visual Impact and Screening of Telecommunication Facilities," which is on file with the community development department for review and copying, shall be utilized to reduce visual impact. In an effort to reduce a proposed telecommunication facility's aesthetic visual impact, the Design Review Board may request that alternative designs be developed and submitted for the board's consideration. Co-location of telecommunication facilities is desirable, but there shall not be an unsightly proliferation of telecommunication facilities on one site, which adversely affects community scenic and economic values.

(E) Interference. Telecommunication facilities shall be located, designed, and operated in a manner that complies with all of the most current Federal Communications Commission (FCC) permits, requirements and conditions to prevent neighborhood electrical interference.

(F) Radio Frequency (RF) Radiation Standard. Within three months after construction of a telecommunication facility, which contains transmitting antenna(s), except in relation to amateur ham radio antenna(s) and transmitting antenna(s) with an Effective Radiated Power (ERP) of 5 watts or less per channel, the maximum radio frequency (RF) radiation shall be measured and documented in a written report submitted to the City. The measurement and report shall be performed and prepared by a qualified, independent testing service/consultant retained by the City at the applicant's expense. The measurement shall be made utilizing the most current testing protocol established by the Federal Communications Commission (FCC). The maximum radio frequency (RF) radiation shall not exceed the most current FCC Safety Standards.

(G) Long-Term Compliance. In order to guarantee long-term compliance with conditions of approval, that power levels remain as specified, and that the equipment is operating as designed, the operator of an approved transmitting antenna shall submit an affidavit indicating that the telecommunication facility is operating as approved, and that the facility complies with the most current FCC Safety Standards. The affidavit shall be submitted on a yearly basis prior to the anniversary date of the facility approval for as long as the facility remains in operation. In addition, the City may conduct independent tests to verify compliance with the most current FCC Safety Standards. The Planning Commission shall periodically review the approved telecommunication facility sites and determine if testing is necessary. Approved telecommunication facility providers shall be notified of all such Planning Commission determination hearings. The operator(s) of the approved telecommunication facility shall be responsible for the full cost of such tests. (Ord. 1320 § 1 (part), 1996).

ORDINANCE NO. 1407

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING CHAPTER 25.94.008 OF THE MUNICIPAL CODE RELATING TO TRANSPORTATION DEMAND MANAGEMENT

The City Council of the City of Laguna Beach does hereby ORDAIN as follows:

Section 1. Section 25.94.008 of the Laguna Beach Municipal Code is hereby amended to read in its entirety as specified below. This amendment updates the applicability of the City's Transportation Demand Management Ordinance pursuant to current law.

25.94.008 Applicability.

This chapter shall apply to all new development projects, including additions to existing development and change of use to existing buildings, that are estimated to employ a total of ~~one~~ **two** hundred **and fifty** or more persons (or as specified by ~~**Regulation 15**~~ **the rules and regulations** of the Southern California Air Quality Management District) as determined by the following methodology:

Land Use Category	Gross Sq. Ft./ Employee
Commercial	500
Office/Professional	250
Industrial	525
Hotel	.9 employee/room

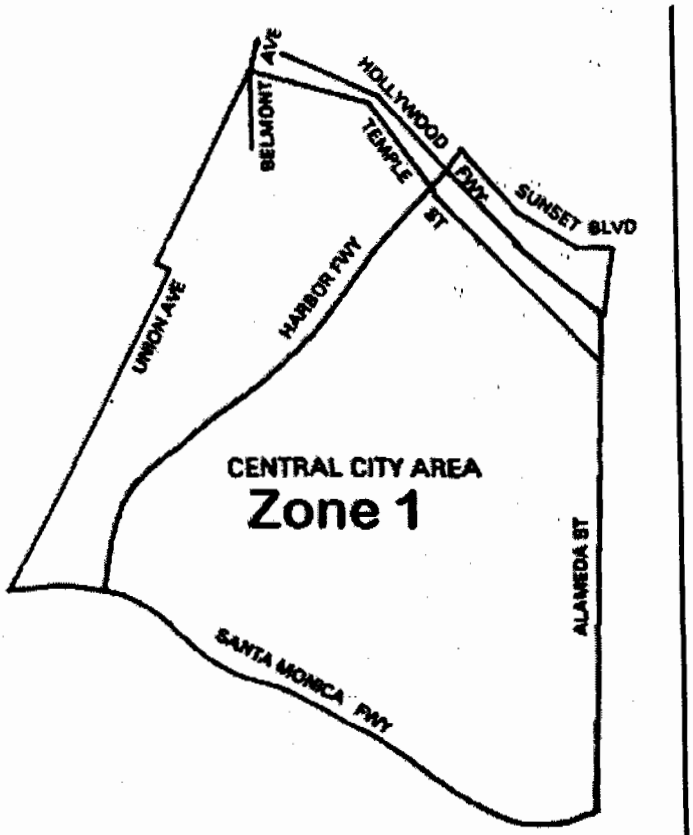
The employment projection for a development of mixed or multiple uses shall be calculated based on the proportion of development devoted to each type of land use.

Section 2. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

Section 3. All ordinances and sections of the Laguna Beach Municipal Code inconsistent herewith are repealed to the extent of such inconsistency and no further.

Section 4. The City Clerk shall certify passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective on the expiration of 30 days from and after the date of its adoption.

- A worksite's Performance Target Zone depends on its location.
- **Zone 1** is the Central City Area of Downtown Los Angeles within the District's Source/Receptor Area 1.
- **Zone 2** corresponds to the District's Source/Receptor Areas 2 through 12, 16 through 23, and 32 through 35, excluding the Central City Area.
- **Zone 3** corresponds to the District's Source/Receptor Areas 13 through 15, 24 through 31, and 36 through 38.

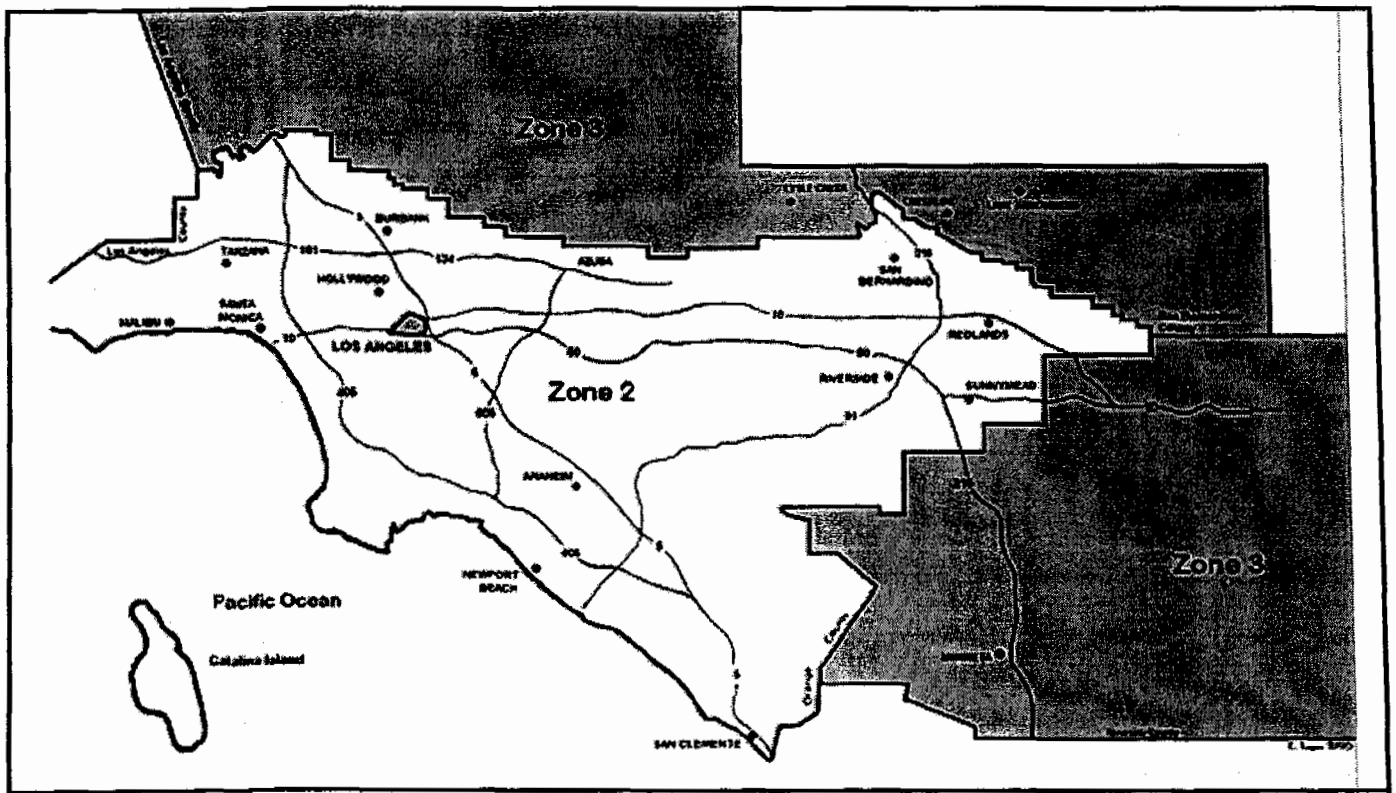


2003	10	9	82
2004	9	8	75
2005	8	8	68
2006	8	7	64
2007	7	7	61
2008	6	7	58
2009	6	6	54
2010	5	6	51

(3) The emission factors in paragraphs (m)(1) and (m)(2) may be modified to site specific emission factors reflecting vehicle age and trip length characteristics of the employee vehicle fleet, in accordance with the calculation procedures included in Rule 2202 - On-Road Motor Vehicle Emissions Mitigation Options Implementation Guidelines.

ATTACHMENT I

PERFORMANCE TARGET ZONES



0117 EXHIBIT A

2005	2.76	2.78	23.19
2006	2.76	2.36	21.85
2007	2.36	2.36	20.83
2008	2.05	2.36	19.80
2009	2.05	2.06	18.47
2010	1.74	2.06	17.44

Employee Emission Reduction Factors for Performance Target Zone 3

Emission Year	VOC	NOx	CO
2000	3.07	2.57	24.42
2001	2.87	2.36	22.78
2002	2.56	2.16	21.03
2003	2.36	2.16	19.39
2004	2.15	1.85	17.75
2005	1.84	1.85	17.75
2006	1.84	1.64	15.18
2007	1.64	1.64	14.47
2008	1.43	1.64	13.75
2009	1.43	1.44	12.83
2010	1.23	1.44	12.11

(2) The following default emission factors (pounds per year per daily commute vehicle) may be used in determining vehicle trip emission credits.

Emission Factors for Vehicle Trip Emission Credit (VTEC)

Emission Year	VOC	NOx	CO
2000	13	11	103
2001	12	10	96
2002	11	9	89

based on California Air Resources Board's EMFAC 7F emission factor model and BURDEN 7F vehicle activity model. These emission factors shall be revised upon publication by the California Air Resources Board's final revised emission factors.

(1) Employee Emission Reduction Factors
The following employee emission reduction factors (pounds per year per employee) shall be used in determining the Emission Reduction Target with respect to the worksite Performance Target Zone. The Performance Target Zone is determined by the worksite location within the geographic boundaries as described in Attachment I and the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).

Employee Emission Reduction Factors for Performance Target Zone 1

Emission Year	VOC	NOx	CO
2000	5.73	4.83	45.35
2001	5.22	4.42	42.27
2002	4.81	4.01	39.19
2003	4.40	4.01	36.12
2004	3.99	3.50	33.04
2005	3.48	3.50	29.96
2006	3.48	3.08	28.22
2007	3.07	3.08	26.88
2008	2.66	3.08	25.55
2009	2.66	2.67	23.80
2010	2.15	2.67	22.47

Employee Emission Reduction Factors for Performance Target Zone 2

Emission Year	VOC	NOx	CO
2000	4.40	3.80	35.19
2001	4.10	3.39	32.83
2002	3.79	3.08	30.37
2003	3.38	3.08	28.01
2004	3.07	2.78	25.65

achieving their average vehicle ridership goal within three years. The goals shall be as follows: 1.75 for Performance Target Zone 1; 1.5 for Performance Target Zone 2; and 1.3 for Performance Target Zone 3.

(B) Supplemental Strategies
Notwithstanding the above, an employer may elect to supplement its Employee Commute Reduction Program with any strategy listed in subdivisions (f) or (g) in order to achieve their goal.

(4) Renewal Date

(A) The currently approved Rule 2202 Employee Commute Reduction Program shall remain in effect until the triennial renewal date.

(B) The currently approved Rule 2202 Registration shall remain in effect until the annual renewal date.

(C) Program annual due dates shall remain permanent unless a formal written request to change the due date has been submitted by the employer and approved in writing by the District.

(5) Primary and Secondary School Districts and Schools
Any public or private primary or secondary school district or school that buses two students for every one peak window employee at worksites subject to the Rule is exempt from Rule 2202, according to the following criteria:

(A) School districts and schools shall keep records demonstrating the maintenance of this ratio on-site and make them available upon request by the Executive Officer or designee; and

(B) On a case-by-case basis, the Executive Officer or designee may approve a request by a school district or school to modify the default student-to-employee ratio to reflect location, trip length and other school district or school specific busing program characteristics in order to maintain equivalency with emission reductions which would occur if the district or school met its emission reduction goals under Rule 2202; and

(C) The Executive Officer may periodically update and publish the default School districts and schools may opt not to be exempt but to implement a Rule 2202 program and claim credit for surplus emission reduction credits earned through a student busing program and other Rule 2202 compliance options.student-to-employee ratio to reflect changes to revised emission factors published by the California Air Resources Board.

(6) Primary and Secondary School District Financial Hardship
Due to their financial hardship, notwithstanding the criteria of paragraph (l)(5), school districts that have received a Negative or Qualified Certification status from their County Board of Education pursuant to Chapter 6, Part 24 of Division 3 of the Education Code, deeming that based upon current projections the school district or county office of education will not or may not meet its financial obligations, may request the Executive Officer to grant a temporary exemption from the requirements of the Rule. The Executive Officer shall grant a temporary exemption for the period during which the Negative or Qualified Certification status applies.

(m) Emission Factors
The following emission factors, which shall be used in calculations pursuant to this Rule, are

(k) Delegation to Local Governments

The District may delegate authority to implement all or part of Rule 2202, except for the provisions of paragraph (f)(3), to any local government that satisfies the following criteria:

(1) The local government adopts an ordinance that is at least as stringent as Rule 2202 in the following areas:

(A) Applicability;

(B) Emission reductions target;

(C) Vehicle trip emission credit calculations;

(D) Annual registration; and

(E) Recordkeeping.

(2) The local government demonstrates to the satisfaction of the Executive Officer that:

(A) It has an implementation plan providing adequate resources to adopt and enforce the ordinance; and

(B) Multiple site employers with more than one regulated worksite in the District have the option of complying with the District Rule instead of the local ordinance.

(3) The local government has executed a Memorandum of Understanding with the Executive Officer specifying the procedures to monitor and review performance of the local government in implementing the program, and procedures for revocation of delegation if the Executive Officer determines that performance of the local government is inadequate.

(l) Exemptions

(1) Employee Threshold

Any employer whose employee population at the worksite decreases to fewer than 250 employees for the prior consecutive six month period, calculated as a monthly average; or fewer than 33 employees are scheduled to report to work Monday through Friday between 6:00 a.m. –10:00 a.m. for the prior consecutive 90 days, may submit a written request to the Executive Officer or designee to be exempted from this Rule. Employers must submit a registration form not later than 90 days after they know or should have known that they no longer qualify for this exemption.

(2) Declared Bankruptcy

An employer who has declared bankruptcy, for the official business or governmental operations of its organization or company, through a judicial court filing and confirmation process, may request the Executive Officer to grant a temporary waiver from complying with the requirements of this Rule. Upon demonstration of the filing and confirmation of bankruptcy, the Executive Officer will grant an exemption for the duration of bankruptcy, not to exceed two years, from the date of the waiver.

(3) Employee Commute Reduction Program

Rather than comply with the provisions of subdivision (e) of this Rule, employers may elect to implement an employee commute reduction program that demonstrates conformance with the Employee Commute Reduction Program Guidelines.

(A) Performance Goal

Employers must provide a program that will be reasonably likely to result in

implementation.

(3) Annual registration due dates shall remain permanent unless a formal request to change the due date has been submitted by the employer and approved in writing by the District.

(4) Employers may request to amend their Emission Reduction Program at any time and implement the amendments with written approval of the Executive Officer subject to the criteria contained in paragraph (i)(1).

(5) Rather than registering with the District for each individual worksite, an employer may submit a single registration to implement an Emission Reduction Program that meets the aggregated ERT of several sites.

(6) Emission credits obtained pursuant to subdivision (f) or (g) shall be surrendered to the Executive Officer within the first six months of the approval of the registration forms. The Executive Officer may grant extensions not to exceed six months on a case-by-case basis upon a finding that earlier compliance would present an unreasonable hardship.

(7) Records which document the accuracy and validity of all information submitted to the District as required by this Rule shall be kept by the employer for a minimum of three years and made available upon request during normal business hours.

(8) On a quarterly basis the Executive Officer shall recommend to the District's Governing Board the release of monies from the AQIP restricted fund. The program shall be administered and consideration of proposals shall be subject to the following:

(A) Proposals shall be accepted on an ongoing basis;

(B) Equal consideration shall be given to cost-effective proposals and those that achieve long-term advancement of mobile source technology;

(C) The amount of emission reductions required to demonstrate equivalent emission reductions shall be determined on a quarterly basis;

(D) The allocation of funding shall be recommended for proposals that reduce equivalent emissions within each county proportional to the contribution level of employers within each county to the greatest extent feasible; and,

(E) The emissions reductions are demonstrated to be real, quantifiable, enforceable, and surplus, in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).

(9) Registration forms submitted by employers shall be subject to the fee schedule set forth in Rule 308 – On-Road Motor Vehicle Mitigation Options Fees and Rule 311 – Air Quality Investment Program (AQIP) Fees. Employers choosing to implement the Employee Commute Reduction Program under paragraph (l)(3) shall be subject to the fee schedule set forth in Rule 308.

(10) Any employer subject to Rule 2202 or to the exemptions of paragraph (l)(3) of this Rule shall comply with the requirements of Rule 701 – Air Pollution Emergency Contingency Actions.

(j) Previously Delegated Programs

Any employer that is in compliance with an ordinance adopted by a local government that has a trip reduction ordinance that was approved by the District prior to the effective date of this Rule, and that has an existing memorandum of agreement with the District, shall be deemed in compliance with this Rule.

by the Executive Officer or designee. The Executive Officer shall not offer any VTEC for a VMT reduction program unless it includes baseline VMT estimates and demonstrates that VMT reductions result in real, quantifiable, and surplus emission reductions.

(4) Parking Cash-Out Program
Employers may elect to implement a Parking Cash-Out Program to reduce employee commutes and receive VTEC toward their ERT. Parking Cash-Out is a program where an employer offers to provide a cash allowance to an employee, equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Incorporation of the Parking Cash-Out Program as one of the options in Rule 2202, does not relieve the affected parties from complying with the provisions of the Health and Safety Code section 43845 (AB 2109-Katz).

(h) General Emissions Credit Provisions:
The following provisions shall apply to any of the emission credit strategies identified in this Rule:

(1) An employer or other person seeking credit under this Rule may use actual annual mileage per vehicle, or alternative estimates of vehicle miles traveled (VMT) contained in Rule 2202 - On Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002).

(2) Emission credit strategies that do not provide the precise amount of surplus emission reductions required for each of the three pollutants addressed by this Rule (VOC, NOx, and CO) may still qualify for equivalent credit if the employer provides equivalent credits obtained pursuant to paragraph (h)(3).

(3) Any person holding surplus emission credits, other than vehicle trip emission credits (VTEC), pursuant to this Rule may trade some or all of those credits to other employers.

(4) Upon the expiration of this Rule, any unused emission credits may be applied to other emission reduction programs pursuant to and consistent with District rules and regulations.

(i) Program Administration
Rule 2202 shall be administered according to the following:

(1) Employers shall annually register with the District to implement an Emission Reduction Program for each worksite. The registration shall include the following information:

(A) The name of the highest ranking company official, the name of the contact person, company address, telephone numbers for all participating worksites;

(B) The on-road vehicle mitigation option(s) that will be used;

(C) The total number of employees that report to work in the peak window;

(D) The total number of employees at that worksite; and,

(E) Calculations for VOC, NOx, and CO emission reductions for any of the on-road vehicle mitigation options in subdivision (f) or the vehicle trip emission credit options in subdivision (g).

(2) Annual registration shall include changes in employment base and any other changes that would necessitate adjustment in emission reduction targets or program

$$VTEC = \left[\begin{array}{c}\text{Creditable Commute}\\ \text{Vehicle Reductions (CCVR)}\end{array}\right] \times \left[\begin{array}{c}\text{Emission}\\ \text{Factor (EF)}\end{array}\right]$$

Where:

CCVR = The daily average of total commute vehicle reductions that are real, surplus, and quantifiable.

EF = Emission Factor in paragraph (m)(2) of this Rule.

In calculating VTEC for the subsequent year, employers may utilize data from previous years obtained by one of the following methods, with the exception of (C), provided that employers maintain programs that would reasonably be expected to achieve an equivalent level of reductions during the subsequent year:

(A) Default data based on the weighted average of the average vehicle ridership survey data of the previous three consecutive years; or

(B) Data obtained by conducting an average vehicle ridership survey in accordance with the Rule 2202 - Commute Reduction Program Guidelines; or

(C) Data based on the default average vehicle ridership of 1.10; or

(D) Data obtained by an equivalent methodology approved by the Executive Officer or designee.

(2) Other Work-Related Trip Reductions

Employers may receive additional VTEC from employee commute reductions that occur outside of the peak window or from non-commute vehicle usage calculated as creditable trip reductions and approved by the Executive Officer or designee. VTEC obtained from other work-related trip reductions shall be determined according to the following equation:

$$VTEC = \left[\frac{\text{Creditable Trip Reductions (CTR)}}{\text{Conversion Factor (CF)}}\right] \times \left[\begin{array}{c}\text{Emission}\\ \text{Factor (EF)}\end{array}\right]$$

Where:

CTR = The daily average of one-way trip reductions that are real, surplus, and quantifiable. A round trip is considered to be two one-way trips.

CF = 2.0 for Peak Window trips; 2.3 for other trips.

EF = Emission Factor in paragraph (m)(2) of this Rule.

(3) Vehicle Miles Traveled (VMT) Reduction Programs

Subject to approval of the Executive Officer or designee, employers may elect to implement VMT reduction programs and receive VTEC towards their ERT. Reduction of annual employee commute VMT may result from employment center relocation, video-conference centers, telecommuting centers or other alternative programs approved

Reduction Factor		the worksite Performance Target Zone in paragraph (m)(1) of this Rule.
Vehicle Trip Emission Credits	=	Determined according to subdivision (g) of this Rule.

(f) On-Road Vehicle Mitigation Options
Employers shall use credits generated pursuant to one or more of the following emission reduction options to meet their Emission Reduction Target (ERT):

(1) Mobile Source Emission Reduction Credits
Any person may implement a mobile source offset program in accordance with the provisions of Regulation XVI such as Old-Vehicle Scrapping, Clean On-Road Vehicles and Clean Off-Road Mobile Equipment.

(2) Emission Reduction Credits (ERC) from Stationary Sources
Any person may elect to use Emission Reduction Credits (ERC) generated from stationary sources after January 1, 1996, in accordance with the provisions of Regulation XIII.

(3) Air Quality Investment Program (AQIP)
Notwithstanding other provisions of this Rule, employers may participate in the AQIP by submitting an air quality investment, to be placed in a restricted fund: in accordance with Rule 311 – Air Quality Investment Program (AQIP) Fees.
The District shall use these funds to obtain an emission reduction or air quality benefit that is equivalent to the sum of the ERTs for all participating employers in the AQIP.

(4) Other Emission Reduction Strategies
Notwithstanding the foregoing provisions, any employer may receive credit toward its ERT for any emission reduction strategy that the employer or other person demonstrates to the Executive Officer achieves real, quantifiable, enforceable, and surplus emission reductions for a discrete period of time. Such strategies may include, but are not limited to, the reduction of non-work trips, other vehicle or engine accelerated turnover programs, investments in clean fuel infrastructure, the provision of new vehicle purchase subsidies or discounts, and local community or development projects that reduce trip or energy demand or that expand clean fuel or high-occupancy travel options. The Executive Officer shall not approve an alternative emission reduction program unless it is consistent with other District regulations and Governing Board policies, and shall consider guidelines established by the California Air Resources Board and the Environmental Protection Agency.

(g) Vehicle Trip Emission Credits (VTEC)
Employers may elect to implement any of the following strategies and obtain vehicle trip emission credits that can be applied towards their ERT. Such actions are at the sole discretion of the employer.

(1) Peak Commute Trip Reductions
Employers may receive VTEC from employee commute reductions that occur during the peak window in accordance with the Rule 2202 - On-Road Motor Vehicle Mitigation Options Implementation Guidelines (amended January 11, 2002). VTEC obtained from peak commute trip reductions shall be determined according to the following equation:

(18) SEASONAL EMPLOYEE means a person who is employed for less than a continuous 90-day period or an agricultural employee who is employed for up to a continuous 16-week period.

(19) STUDENT WORKER means a student who is enrolled and gainfully employed (on the payroll) by an institution. Student workers who work more than four (4) hours per week are counted for Rule applicability and if they report during the 6:00 AM - 10:00 AM window are counted for AVR calculation.

(20) TEMPORARY EMPLOYEE means any person employed by an employment service or agency, that reports to a worksite other than the employment agency's worksite, under a contractual arrangement with a temporary employer. Temporary employees are only counted as employees of the temporary agency for purposes of Rule applicability and calculating AVR.

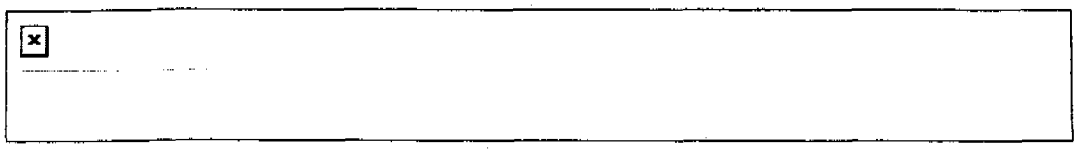
(21) VEHICLE TRIP EMISSION CREDITS (VTEC) are the emission reductions that result from the reduction of peak commute trips; other work related trips; or other District approved method; expressed in pounds per year per pollutant, and determined according to the provisions of subdivision (g) of this Rule.

(22) VOLATILE ORGANIC COMPOUND (VOC) is any volatile compound of carbon, excluding: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds as defined in District Rule 102.

(23) WORKSITE means a structure, building, portion of a building, or grouping of buildings that are in actual physical contact or are separated solely by a private or public roadway or other private or public right-of-way, and that are occupied by the same employer. Employers may opt to treat more than one structure, building or grouping of buildings as a single worksite, even if they do not have the above characteristics, if they are located within a 2 mile radius and are in the same Performance Target Zone.

(e) Requirements

An employer subject to this Rule shall annually register with the District beginning within 90 days of receipt of notification to implement an emission reduction program to reduce emissions related to employee commutes and to meet a worksite specific emission reduction target (ERT) specified for the subsequent year. The annual ERT shall be determined according to the following equation, for VOC, NOx, and CO, based on employee emission reduction factors specified in paragraph (m)(1) of this Rule.



Where:

Employees = Average daily number of employees reporting to work in the Peak Window for a typical Monday through Friday period excluding those weeks which include a national holiday.

Employee Emission = Determined by year of the registration submittal and

at a construction site.

(7) FIELD PERSONNEL means employees who spend 20% or less of their work time, per week, at the worksite and who do not report to the worksite during the peak period for pick-up and dispatch of an employer-provided vehicle.

(8) INDEPENDENT CONTRACTOR means an individual who enters into a direct written contract or agreement with an employer to perform certain services and is not on the employer's payroll.

(9) LOW-INCOME EMPLOYEE means an individual whose salary is equal to or less than the current individual income level set in the California Code of Regulations, Title 25, Section 6932, as lower income for the county in which the employer is based. Higher income employees may be considered to be "low-income" if the employees demonstrate that the program strategy would create a substantial economic burden

(10) MOBILE SOURCE EMISSION REDUCTION CREDITS (MSERCs) are real, quantifiable, emission reductions, in accordance with the California Air Resources Board's Mobile Source Credit Guidelines, approved by the Executive Officer or designee, that can be used to comply with District Regulations, as authorized by Regulation XVI, Mobile Source Offset Programs.

(11) NITROGEN OXIDES (NOx) are nitric oxides and nitrogen dioxides, collectively expressed as nitrogen dioxide.

(12) PART-TIME EMPLOYEE means any employee who reports to a worksite on a part-time basis fewer than 32 hours per week, but more than four hours per week. These employees shall be included in the employee count for purposes of Rule applicability; and for Average Vehicle Ridership (AVR) calculations of the employer provided the employees report to the worksite during the window for calculating AVR.

(13) PEAK COMMUTE TRIP is any employee trip from home to work occurring during the peak window.

(14) PEAK WINDOW is the period of time, Monday through Friday between the hours of 6:00 AM and 10:00 AM, and used in calculating the vehicle trip emission credit.

(15) PERFORMANCE TARGET ZONE is a geographic area that determines the employee emission reduction factor for a particular worksite pursuant to the map in Attachment I of this Rule.

(16) POLICE/SHERIFF means any employee who is certified as a law enforcement officer and is employed by any state, county or city entity. Such employees are only police officers and sheriffs, who perform field enforcement and/or investigative functions. This would not include employees in non-field or non-investigative functions. These employees shall be included in the employee count for rule applicability but are not required to be included in the number of employees in the peak window and may, therefore, be exempted from the AVR survey. Those worksites electing to exclude such employees from the AVR survey and calculation must provide the basic ridesharing support strategies including, but not limited to, ridematching and transit information for all employees as well as preferential parking and guaranteed return trips for said employees who are ridesharing.

(17) SCHOOL DISTRICT means a public agency of the state that is a school district of every kind or class except a community college district, and shall include a County Office of Education.

(Adopted December 8, 1995)(Amended March 8, 1996)
(Amended November 8, 1996)(Amended October 9, 1998)
(Amended January 11, 2002)

RULE 2202 - ON-ROAD MOTOR VEHICLE MITIGATION OPTIONS

(a) Purpose

The purpose of this Rule is to provide employers with a menu of options to reduce mobile source emissions generated from employee commutes, to comply with federal and state Clean Air Act requirements, Health & Safety Code Section 40458, and Section 182(d)(1)(B) of the federal Clean Air Act.

(b) Applicability

Effective June 19, 1998, this Rule applies to any employer who employs 250 or more employees on a full or part-time basis at a worksite for a consecutive six-month period calculated as a monthly average, except as provided in subdivision (l) of this Rule.

(c) Sunset Provision

This Rule shall be rescinded, at such time that a replacement measure is implemented which produces an equivalent level of emission reductions and such emission reductions are real, quantifiable, and surplus relative to the most recently adopted state implementation plan.

(d) Definitions

For the purpose of this Rule, the following definitions shall apply:

(1) AIR QUALITY INVESTMENT PROGRAM (AQIP) is an emission reduction option, in which monies collected by the District from employers are used to fund mobile source emission reduction programs that have been approved by the District's Governing Board.

(2) DISABLED EMPLOYEE means an individual with a physical impairment that prevents the employee from traveling to the worksite by means others than a single-occupant vehicle.

(3) EMISSION REDUCTION TARGET (ERT) is the annual VOC, NOx, and CO emissions required to be reduced based on the number of employees per worksite and the employee emission reduction factor, determined in accordance with the provisions of subdivision (e) of this Rule.

(4) EMPLOYEE is any person employed by a person(s), firm, business, educational institution, non-profit agency or corporation, government or other entity. The term exempts the following in accordance with the Rule 2202 - Definitions (amended January 11, 2002) seasonal employees; temporary employees; volunteers; field personnel; field construction workers; and independent contractors.

(5) EMPLOYER is any person(s), firm, business, educational institution, non-profit agency or corporation, government agency, or other entity that employs 250 or more employees. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer.

(6) FIELD CONSTRUCTION WORKER means an employee who reports directly to work

ORDINANCE NO. 1408

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE SIGN REGULATIONS OF THE CITY -- MUNICIPAL CODE CHAPTER 25.54

WHEREAS, on April 10, 2002, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Chapter 25.54 regarding the City's Sign Regulations is hereby amended in its entirety as specified in Attachment A.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of _____, 2002.

_____
Wayne Baglin, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. _____ was introduced at a regular meeting of the City Council on May 21, 2002 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2002 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

Version – May21, 2002
Proposed changes are shown as underline and cross-out.

Chapter 25.54 - SIGN REGULATIONS

Sections:

25.54.002 Intent and purpose

The intent and purpose of ~~these sign regulations~~this Chapter is to establish sign regulations that: ~~encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. The Sign Ordinance codified in this Chapter is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.~~

(A) Protect and promote the general public welfare and artistic village character of the community.

(B) Implement community design criteria consistent with the General Plan.

(C) Preserve and enhance the community's appearance by regulating the design, character, location, type, quality, scale, color, illumination and maintenance of signs.

(D) Promote signs that clearly identify uses and premises without confusion.

(E) Encourage creative, artistic and well-designed signs that contribute to the visual environment of Laguna Beach, express local character and develop a distinctive image.

(F) Encourage signs that are responsive to the aesthetics and character of their location and building architecture.

(G) Recognize that many businesses in Laguna Beach are small, non-franchise establishments that depend on their sign's clear communication to draw customers.

(H) Provide a review and approval process for signs.

25.54.004 Applicability and effect

~~A sign may~~Signs shall not be ~~erected,~~ placed, ~~established, painted, created~~ or maintained in Laguna Beach ~~only~~ unless they conform to ~~in conformance with~~ the standards and procedures of this Chapter. The effect of this Chapter ~~as more specifically set forth herein,~~ is as follows:

(A) To establish a permit system ~~to allow a variety of~~ for signs ~~types~~ in ~~Commercial and Industrial Zones, and a limited variety of signs in other zones~~ various zoning districts~~, subject to the standards and permit procedures of this Chapter~~;

(B) To provide for temporary signs in limited circumstances~~, on private property or within the public right-of-way, subject to the standards and permit procedures of this Chapter~~;

(C) To prohibit all signs not expressly permitted by this Chapter.

25.54.006 Definitions

~~Words and phrases used in this chapter shall have the meanings set forth herein. Words and phrases not defined in this section but defined in Chapter 25.08 shall be given the meanings set forth therein. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Chapter.~~

"Abate" means to put an end to and to physically remove. Discontinuance of use without removal shall not constitute abatement.

"Advertising sign" means a sign~~, the pictures, letters or display of~~ which ~~consists of or~~ contains the name of a person other than the occupant of the property on which the sign is located, or ~~consists of or~~ contains the name of a product not ~~produced~~ sold on the premises or a service not rendered on the premises.

"Alley sign" means a sign within or adjacent to an alley.

"Animated sign" means any sign that uses movement, ~~or change of lighting to depict action or create a special effect or scene~~lighting or special materials to depict action. This classification of sign includes, but is not limited, to motor-activated elements, any type of electronically controllable changeable copy signs and ~~includes~~ open flames.

"Approval Authority" means either the Director of Community Development for signs eligible for administrative review pursuant to Section 25.54.018(E), the Planning Commission for signs located within the Downtown Specific Plan area, or the Board of Adjustment/Design Review Board for signs located outside the Downtown Specific Plan area.

"Banner~~, flag or pennant~~" means any temporary sign of lightweight fabric, plastic, paper or ~~similar~~ other non-rigid material that is attached to any structure, pole, line or vehicle. ~~National, state or municipal flags, displayed as such in an appropriate manner, shall not be considered banners~~.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source~~; also, any light with one or more beams that rotate or move~~.

"Billboard" means an advertising pole sign, see "advertising sign" and "pole sign".

"Blade or projecting sign" means any sign attached to or projecting from a building so that its leading edge extends more than 9 inches from the surface of the building. (The bottom edge of blade or projecting signs is at least 7 feet above public right-of-way.)

"Building marker" means a sign indicating the name of a building and/or the date of construction and incidental information about ~~its~~ the history of the building.

"Bulletin board" means a sign announcing coming events or activities through the use of changeable copy.

"Canopy/Awning sign" means any sign that is ~~part of~~a component of or attached to an awning, or canopy~~, marquee or other protective cover over a door entrance, window or outdoor service area~~.

"**Changeable display sign**" means a sign which is designed to hold information that is often changed, such as gas station prices, parking lot cost or rate charges, stock prices, and time and temperature.

"**City**" means the City of Laguna Beach and its staff or approval authority.

~~"Directly lighted" means internally illuminated by lights projected through a transparent or translucent sign surface.~~

"**Directory sign**" means a sign listing the persons or activities located on-site.

"**Double-faced sign**" means a sign with sign faces placed back-to-back.

"**Downtown**" means that area delineated in the Laguna Beach Downtown Specific Plan.

"**Flag**" means any permanent fabric sign attached to a permanent display or pole. Gonfalons, which hang between crosspieces or on a frame, and other permanent fabric signs attached along a vertical edge, shall be considered flags under this definition. Official flags of the United States, the State of California and other states of the nation, counties, municipalities, foreign nations, and nationally or internationally recognized organizations shall not be considered signs.

"**Footcandle (fc)**" means a unit of illuminance on a surface one square foot in area onto which there is a uniform flux of one lumen.

"**Footlambert (fL)**" means a unit of luminance of a surface reflecting or emitting light at the rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface.

"**Freestanding sign**" means any sign supported by ~~structures~~ a monument structure ~~or supports~~ that ~~are~~ is anchored into the ground, ~~and~~ that ~~are~~ is independent from any building(s) or ~~other~~ structure(s) on the site and is 6 feet or less in height.

"**Glare**" means the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or the loss of visual performance and visibility.

"**Identification sign**" means a sign limited in content to the name and address of ~~the~~ any person(s) or ~~persons~~ entity located on-site.

"**Illuminance**" means the quantity of light arriving at a sign measured in footcandles (fc) or lux (lx).

"**Incidental sign**" means ~~a~~ an informational sign, ~~generally informational, having a purpose secondary to the use of the lot on which located and~~ not containing a commercial message. Examples of such signs include "no parking," "loading only" and other similar directives.

"**Indirectly lighted**" means ~~illuminated~~ illumination of a sign by a light source that is externally located ~~externally~~ to the sign surface. This method of lighting may include, but is not limited to, spotlighting or backlighting.

"**Inflated display sign**" means any three-dimensional air- or gas-filled object, attached or tethered to the ground, site, merchandise, structure or roof, and used to attract attention for business identification or communication purposes.

"**Interior building sign**" means a sign located on the inside of a building that is visible from the exterior of the building and which is less than 4 feet from the closest window. It does not include the display of merchandise or associated artwork and window signs.

"**Internally illuminated sign**" means a sign directly lit from an interior light source contained within the sign structure through a transparent or translucent surface.

"**Light source**" means any source of light, not necessarily limited to fluorescent tube, gas filled "neon" type tube, incandescent light bulb or flame.

"**Logo**" means any symbol(s) or letter(s) that identify a business, often used in signs.

"**Luminance**" means the light that is reflected from a surface toward the eyes, which the eyes perceive and is measured in footlamberts (fL), candelas per meter squared (cd/m2 or nit) or candelas per square foot (cd/sq. ft). (One footlambert equals 3.4263 candelas per meter squared or 0.312685 candelas per square foot.)

"**Luminous tube sign**" means a sign which consists of or is illuminated by exposed electrically-charged gas-filled tubing, such as neon or argon signs, or by fiber optics.

"**Marquee**" means a sign designed to have changeable copy on a permanent roof-like structure extending from the façade of a playhouse or theater.

"**Master Sign Program,**" see "sign program, master."

"**Menu A-frame or menu board sign**" means either a portable freestanding sign displaying the type and price of food and beverages sold in connection with a restaurant, or a permanently mounted sign, that may be enclosed, displaying the bill-of-fare for a restaurant.

"**Miscellaneous business signs**" means business operation signs such as credit card stickers, open and closed signs and hours of operation.

"**Mural**" means ~~a~~ an original work of art ~~or painting~~ that is applied or attached to ~~and made an integral part of~~ an exterior wall. ~~A~~ (At the discretion of the Arts Commission a mural ~~shall~~ may be considered a wall sign, if it contains words, logos, trademarks or graphic representations of any person, product or service that identify ~~or advertise~~ a business.) ~~Signatures shall be allowed and limited to a maximum of two square feet in size.~~

~~"Neon sign" means a sign comprised of or containing gas-filled tubing exposed to view. Neon signs shall be considered directly lighted signs.~~

"**Nonconforming sign**" means any sign that does not conform to the requirements of this Chapter.

"**Open house sign**" means a temporary sign communicating that a property is available for inspection by prospective buyers and that the owner of the property or the owner's agent is on the premises during the time the property is open for inspection. (The regulations for such signs are delineated in Table 1 ([Permitted Signs by Type and ~~Zoning District~~Use)~~.~~].)

"**Parking sign,**" see "incidental sign."

"**Parking lot sign,**" see "changeable display sign"

"**Person**" means any individual, association, business, corporation, firm, organization, or partnership, singular or plural, of any kind.

"**Pole sign**" means any sign erected on one or more uprights supported from the ground, ~~and~~ independent of a building for structural support~~, height of which sign is greater than 6 feet~~.

"**Portable sign**" means any sign not permanently attached to the ground or a building, or a sign designed to be transported. This shall include ~~A-frame and sandwich board signs and~~ signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicles are used in the normal day-to-day operations of the business.

"**Projecting sign,**" ~~means any sign attached to a building in such a manner that its leading edge extends more than 6 inches from the surface of such buildingsee~~ "blade or projecting sign."

"**Real estate sign**" means a sign advertising or promoting the sale, lease or rental of real estate.

"**Roof sign**" means a sign which is erected upon the roof of a building.

"**Setback**" means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

"Sign" means any device, nature, placard, painting, display, or structure that uses any color, form, graphic, illumination, logo, symbol or letters ~~to advertise, announce the purpose of, or identify a person or entity, or to communicate information of any kind, which is visible and used to attract attention from any public way.~~to identify the name of a person or business, or to communicate information about the business conducted, services available or rendered, or the goods or property produced, sold or available for sale. This shall not include normal merchandise or associated artwork on display in the window.

"Sign Program" means the scaled drawings showing the dimensions, computation of sign area, location, height, sign copy, letter size, sign materials, colors and lighting elements for all signs, existing and/or proposed for an individual business site.

"Sign Program, Master" means a coordinated, common set of standards for all new and existing signs, including but not limited to, letter size, sign size, style, colors, types, placement, lighting elements, number of signs and sign materials for a development with 4 or more businesses. (Master sign programs also provide plot plans showing the locations and sizes of existing and/or proposed signage in relation to existing and/or proposed buildings, parking lots, driveways, streets and landscaped areas of the development.)

"Site" means that property or suite or unit within a structure which provides a location for ~~and justifies the area of~~ a sign.

"Street frontage" means the length of a property line along a street or streets that forms its boundary.

"Suspended sign" means a sign that is ~~suspended from~~attached to the underside of a horizontal plane surface of a building. (The bottom edge of suspended signs is at least 7 feet above public right-of-way.)

"Temporary sign" means a sign that is used or maintained for short duration.

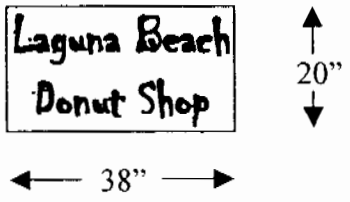
"Wall sign" means any sign attached parallel to or painted on an exterior wall of a building, and which projects not more than ~~6~~ 9 inches from such wall. (Wall signs do not intrude upon or extend over a public right-of-way, unless the bottom edges of such signs are at least 7 feet above the right-of-way.)

"Window sign" means any sign that is placed, painted or attached upon~~, within or behind~~ a window, ~~fewer than 3 feet from such window~~ and is visible from the exterior of the window.

25.54.008 Computations

The following principles shall control the computation of sign area and sign height.

(A) Computation of Area of Individual Signs. The permitted size area of individual signs shall be as specified in Tables 1 and 2. The area of a single-faced sign shall be computed by means of the simplest geometric shape(s) that will encompass the extreme limits of the sign, including any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing. (See the illustration below.) A background panel of not more than 2-inch thickness, painted the same color as the wall or structure to which it is attached, shall not be considered part of the sign. Windows with mullions less than 3 inches in width shall be considered as one window.



(B) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces.

(C) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at ~~normal~~ natural grade to the top of the highest attached component of the sign. ~~Normal~~ Natural grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming or excavating solely for the purpose of locating the sign. In cases in which the ~~normal~~ natural grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the ~~normal~~ natural grade at the base of the sign is equal to the elevation of the nearest street curb. In the event there is no curb, height shall be measured from the centerline of the street.

(D) Computation of Total Allowable Sign Area. ~~The permitted sum of the area of all individual signs on a lot shall be as set forth below in Table 2.~~A site's combined allowable sign area of all permanent signs not exempt under Section 25.54.014 shall not exceed 1 square foot per linear foot of building or suite frontage, up to a maximum of 150 square feet. Single signs shall not exceed 75 square feet in size. Alley, blade or projecting, building marker, incidental, marquee, miscellaneous business signs, real estate, temporary and suspended signs are exempt from the maximum combined sign area limit. ~~Lots fronting on~~Sites with two or more fronts on streets or pedestrian accessways may be permitted the above allowable sign area for each ~~street~~ frontage on a street or pedestrian accessway, provided that such sign areas ~~may~~ are not ~~be~~ cumulative on any one street or pedestrian accessway ~~and~~ or that the signage oriented toward any one street or pedestrian accessway ~~shall~~ does not exceed the total maximum allowable area ~~for that street~~.

Properties having secondary frontage on a public alley may be permitted a wall, blade or projecting sign at the entrance to the building from the alley.

25.54.010 Signs permitted on private property

(A) Signs may be allowed on private property only in accordance with Table 1 below. If the letter "A" appears for a sign type in a column, such sign is allowed without prior permit approval. If the letter "P" appears for a sign type in a column, such sign is allowed only with prior permit approval; special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such sign is not allowed under any circumstances. (Note: These letters are subject to the footnotes appended to Table 1.)

(B) Design, Construction and Maintenance. All signs shall comply with the design standards set forth in Table 1 (Allowable Signs by Type and ~~Zoning District~~Use) and Table 2 (Design Standards by Sign Type). All signs shall be maintained in good condition for the life of the sign. Torn canopies or awnings, broken elements, faded or flaking paint, or similar evidence of poor maintenance are the responsibility of the owner to repair in a prompt manner. Signs not adequately maintained shall be considered nuisances and may be abated per Municipal Code Chapter 7.24.

(C) Lighting.

(1) Method. Where not otherwise restricted, signs may be indirectly lighted. ~~With the exception of interior building signs, directly lighted signs are prohibited.~~ High intensity discharge light sources including, but not necessarily limited to mercury vapor, metal halide, and high ~~or low~~ pressure sodium, shall not be permitted.

(2) Shielding. The lighting source shall be shielded in an appropriate manner to direct light ~~onto~~ only upon the sign and minimize glare and/or light spillage onto the public way or adjacent properties.

(3) ~~Intensity~~Luminance. The maximum allowable lighting intensity shall be ~~1740 lumens,~~based on the following table:

Sign Luminance Standards

Range of Sign Luminance (Candelas/square foot)	Ambient Light Environment
1 to 70	LOW Areas with no exterior lighting, other than street lighting. Such areas include, but are not limited to, most residential areas and the beaches.
70 to 100	MEDIUM Areas where signs are relatively isolated or areas adjacent to "Low" ambient light areas.
100 to 140	HIGH Areas such as the downtown, streets or parking areas that are highly lighted or areas with high sign competition

Illumination of signs shall be measured ~~at the face of the sign~~ with a light meter using appropriate methodology that ensures accurate luminance readings. ~~This requirement may be modified by the design review board when deemed appropriate~~Notwithstanding the above standards, the Director of Community Development may order the dimming of any sign illumination determined to be excessively bright. Lighting fixtures used to illuminate signs from the front shall be mounted from the top of the sign structure.

(D) Master Sign Programs. Where ~~several~~ 4 or more businesses or uses requiring signage exist ~~on one site~~at one location or building center complex, a master sign program shall be submitted ~~by the property owner~~ for ~~design review approval~~ review and approved by the approval authority prior to the issuance of any sign permits. (See the master sign program submittal requirements in Section 25.54.018[A].) ~~The total sign area for the site shall be proportionately distributed among the various occupancies on the site, with tenant frontage as the basis for proportionate distribution of sign area. Sign programs shall be reviewed in accordance with the procedures of Section 25.05.040.~~ In order to assure aesthetic compatibility, the ~~Design Review Board~~approval authority may establish whatever conditions are deemed necessary to maintain appropriate design, ~~the~~ continuity and harmony of the signage for the site.

25.54.012 Signs in the public right-of-way

Excepting those signs allowed under this section, no signs shall be allowed in the public right-of-way or beyond a street plan line.

(A) Signs Requiring a Permit. The following signs may be allowed subject to the permit procedures of Section 25.54.018:

(1) Canopy/awning, blade or projecting, ~~or~~ suspended or wall signs projecting over a public right-of-way in conformity with the ~~design standards~~ requirements set forth ~~in Section 25.54.010 and Tables 1 and 2~~this Chapter. (The bottom edge of such signs shall be at least 7 feet above the public right-of-way.);

(2) Signs erected by or on behalf of a public agency to identify public property or convey public information;

(3) City sponsored signs or master sign programs, including temporary signs or

temporary sign programs.

(B) Signs Not Requiring a Permit. The following signs do not require a permit prior to placement on public property:

(1) Bus stop signs erected by a public transit company;

(2) Emergency warning or directional signs erected or placed by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way;

(3) Informational signs of a public utility regarding its poles, lines, pipes or facilities;

(4) Signs erected by or on behalf of a public agency to post legal notices or to direct or relocate pedestrian or vehicular traffic;

(5) Banners approved and erected by the City over Forest Avenue or decorations erected by the City.

(C) Forfeiture. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

25.54.014 ~~Signs exempt from regulation~~Regulation exemption

The following ~~signs~~ shall be exempt from regulation under this chapter:

(A) Any public notice or warning signs required by ~~a~~ valid and applicable federal, state, or local law, regulation or ordinance.

(B) Holiday lights and decorations with no commercial message, ~~but~~ allowed only between November 15th and January 15th of the following year.

(C) Except for luminous tube signs, all ~~Interior~~ interior building signs located ~~more than three~~ four (4) or more feet from any window or opening through which they might be visible. (Note: All luminous tube signs are prohibited, regardless of location, if they are visible through a window from a public street or accessway.)

(D) Miscellaneous business signs, such as credit card stickers, open and closed signs, hours of operation, etc., provided that each group/set of miscellaneous business signs do not exceed 2.25 square feet in area and there is only one (1) group/set of such signs per entrance. (Note: Luminous tube open and closed signs are not allowed.)

(E) Temporary election signs posted on private property, subject to the permission of the property owner.

(F) Memorial signs and plaques.

~~(D)~~(G) Signs not visible from a public ~~right-of-way~~street or pedestrian accessway.

(H) Street address numerals, when not part of the business name.

(I) Bulletin Boards 25 square feet and under used by public, educational or religious institutions.

(J) Official flags of the United States, the State of California and other states of the nation, counties, municipalities, foreign nations, and nationally or internationally recognized organizations.

25.54.016 Prohibited signs

All signs not expressly permitted under this chapter or exempt from regulation in accordance with ~~the previous~~ Section 25.54.014 are prohibited. Such signs include, but are not limited to:

(A) Animated signs;

(B) A sign no longer identifying a bona fide existing business;

(C) Banners and beacons, except as permitted in accordance with Sections 25.54.012 and 25.54.020;

(D) Billboards, including mobile billboards on trailers;

(~~D~~E) ~~Directly lighted~~Excepting marquees, internally illuminated signs~~, including neon, fiber-optic or other similar devices~~;

(F) Luminous tube signs, regardless of internal or external location, if they are visible from a public street or pedestrian accessway;

(~~E~~G) ~~Inflatable~~ Inflated display signs and tethered balloons, except as permitted in accordance with Section 25.54.020 or as a part of an approved outdoor display or sign program;

~~(F) Outlining of the outside of buildings or portions thereof with gaseous tubing, fluorescent or incandescent lights;~~

(~~G~~H) Portable signs;

(I) Roof signs;

(J) Signs of any type associated with a bus stop. (Bus stop signs erected by a public transit agency are allowed.);

(K) Back-lit canopy/awning signs;

(L) Pole signs.

25.54.018 General permit procedures

The following procedures shall govern the application for and issuance of all sign permits under this chapter, and the submission and review of sign programs.

(A) Applications. All applications for sign permits or master sign programs ~~of any kind~~ shall be submitted to the Department of Community Development on an approved application form.

The sign permit application shall require the development of a sign program for a business and include, but not be limited to, scaled drawings showing the dimensions, computation of sign area, location, height, sign copy, letter size, sign materials, colors and lighting elements for all signs, existing and proposed on the site. Construction specifications shall be provided for all new signs, including electrical components and wiring, and the method of attachment and design of the structure to which the sign attachment is made.

Master sign program applications shall include a complete set of coordinated, common sign standards, including, but not limited to, letter size, sign size, style, colors, types, placement, lighting elements, number of signs and sign materials. In addition, master sign program applications shall also provide an accurate plot plan showing the locations and sizes of existing and/or proposed signage in relation to existing and/or proposed buildings, parking lots, driveways, streets and landscaped areas of the development.

(B) Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by City Council resolution.

(C) ~~Design Review~~ Approval Required. ~~Except as provided for in subsection (E) below, the~~The modification of an existing sign or the construction, creation or installation of a new sign requiring a sign permit shall be subject to the review and approval of the ~~Design Review Board~~approval authority.

(D) Design Criteria. The following design criteria shall be considered in the review of proposed signage:

(1) ~~The size, color and scale of signs must be appropriate to the business and compatible with the surrounding visual environment.~~Signs, including logos, should be compatible with the architecture of the structure and should be made of high quality materials, clearly identify the name and character of the business, and be visually compatible with the surrounding physical environment in terms of color, scale and size. In order to emphasize the village character of Laguna Beach, blade or projecting and suspended signs are strongly encouraged. Representational signs, such as an easel or a palette and brushes for an art supply store, books for a bookstore, or a corkscrew or wine bottle for wine shop, are encouraged. Three-dimensional signs are strongly encouraged.

~~(2) Signs should be simple in design and caricatures and cartoons should be discouraged.~~

~~(3) Sign content should be limited to the business name only.~~

(42) The use of natural materials in the construction of signs is encouraged.

(53) ~~Awnings~~ Canopies and awnings must be constructed of opaque materials.

(4) The height (font size) of letters must be proportional to the allowed sign size and its location. Font size should primarily be related to location. Signs in the Downtown area should feature smaller font sizes to attract pedestrians and slow moving, nearby traffic. Signs outside the Downtown area should allow larger font sizes to be legible to faster moving traffic.

(5) The Downtown Specific Plan's urban design guidelines shall be considered by the approval authority in reviewing proposed signs in the Downtown Specific Plan area. Primary signs for this area should meet high standards of design that enhance the charm and character of the area.

(E) Signs Eligible for Administrative Approval. Certain signs may be eligible for administrative review and approval by the Director of Community Development, if they meet the following criteria. At the discretion of the Director, such signs may be referred to the ~~Design Review Board~~appropriate approval authority for review. Eligible signs include:

(1) Signs in ~~conformance~~ compliance with an approved master sign program;

(2) Signs ~~listed under subsection (D)(3) of this section which~~ that meet all of the following conditions:

(a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to Section 25.54.010 and Tables 1 and 2;

(b) The sign(s) shall not cause the total signage to exceed 50% of the maximum allowable sign area for the site;

(c) ~~The sign(s) shall not exceed 10 square feet in area;~~Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and

(d) The letter or font height ~~must~~ shall not exceed 8 inches.

~~(3) Eligible signs:~~

~~(a) Bulletin boards,~~

~~(b) Identification signs located in the R-2 or R-3 district,~~

~~(c) Public service signs,~~

~~(d) Signs on existing awnings,~~

~~(e) Suspended signs,~~

~~(f) Wall signs.~~

(3) Temporary signs which comply with the requirements of Section 25.54.020. Temporary signs or temporary sign programs for City Council approved special events are not eligible for administrative approval.

(F) Appeals ~~from~~ of a Determination ~~of~~ by the Community Development Director. Any person ~~aggrieved by any~~ disagreeing with a determination of the Director ~~as provided for herein~~ shall have the right ~~to~~ of appeal ~~such determination~~ to the ~~Design Review Board~~appropriate approval authority. ~~Such~~ The appeal must be filed within 10 business days after such determination and shall be heard ~~without notice~~ at the next regular meeting of the ~~Design Review Board~~appropriate approval authority ~~falling at least 10 days from the date of such filing~~.

(G) Creativity Encouraged. Except for the Community Development Department Director, the approval authority may, at its discretion, grant permits for signs not otherwise in conformance with this Chapter up to a 25% increase in allowable sign area or height, if it finds the sign design to be extraordinarily creative and significantly contributing to the charm and character of Laguna Beach.

25.54.020 Temporary sign permits

Temporary signs shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

(A) Application. Applications for temporary sign permits shall be submitted to the Department of Community Development on an approved application form or in accordance with application specifications established by the Director.

(B) Fees. Each application for a temporary sign permit shall be accompanied by the applicable fees, which shall be established by City Council resolution.

(C) Term.

(1) Temporary sign permits for beacons, searchlights and similar devices used for commercial advertising or identification purposes may be issued for a term not to exceed 7 successive nights;

(2) Except as specified in subsection (E) below, permits for other types of temporary signs may be issued for a term not to exceed 30 days, ~~except that one extension for~~ and an additional 30 days ~~term~~ may be permitted.

(D) Limitation. ~~Only one (1) temporary sign permit shall be issued to the same business license holder on the same lot in any 6-month period.~~A business license holder may post temporary signs up to a maximum of 60 days per year.

(E) ~~Design Standards~~Specific Temporary Sign Requirements.

(1) Temporary Banners. One temporary banner sign, not exceeding 5 square feet in the downtown and 10 square feet outside of the downtown, may be located on a face of building for a term not to exceed 30 days. Temporary banners may not be displayed within or on a window or be ground-mounted. The banner should be designed with the use of natural earth or pastel colors for the lettering and background. The approved term may be extended for one additional 30-day period.

(2) Temporary Signs. Each temporary sign shall equal no more than 5 square feet in the downtown and 10 square feet outside of the downtown. There shall only be one temporary sign per window or wall face, and it may be posted for maximum of 30 consecutive days and 60 days per year

(~~1~~3) Temporary Construction Signs. One sign identifying the person or persons engaged in a construction project may be permitted on a property during the period of construction, subject to the following conditions:

(a) The sign must be located ~~on~~ within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

(b) Where located in a residential district, the sign area shall not exceed ~~6~~ 3 square feet; in other zoning districts the sign area shall not exceed ~~32~~ 6 square feet.

(c) The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection.

(~~2~~4) Temporary Subdivision Signs. One temporary sign advertising the prospective sale or lease of a group of lots or dwellings within a ~~tract or building~~subdivision shall be permitted, subject to the following conditions:

(a) The sign must be located on the premises being sold or leased;

(b) The area of the sign shall not exceed ~~3~~ 6 square feet ~~for each lot or dwelling offered for sale, up to a maximum of 32 square feet~~;

(c) The sign may not be illuminated;

(d) The sign may remain only as long as the property remains unsold or unleased for the first time, up to a maximum 1-year period. The Director of Community Development shall have the authority to extend the 1-year time period for one additional 1-year period;

(e) There shall be deposited with the ~~Building~~ Community Development Department cash or surety bond in the amount of ~~$150~~$300. The conditions of the bond shall be as follows: If the permitee faithfully complies with the requirements and conditions of this subsection, then such bond shall be ~~null and void~~exonerated and cancelled; the bond shall otherwise be forfeited to the City as a penalty for failure of the applicant to comply with the conditions of the bond.

(5) Special Events Signs. Temporary signs or temporary sign programs for City Council approved special events may be allowed by the Planning Commission as long as the following items are reviewed and specified in the approval: i) size and design for each sign; ii) maximum display term; and iii) location of each sign. The Planning Commission has complete discretion for these specifications regardless of the other provisions of this Chapter. Such special event signs shall minimize clutter, be compatible with the village character of Laguna Beach and reflect integration with the site's surroundings.

25.54.022 Nonconforming signs

~~(1) Any sign(s) which lawfully existed as of the date of enactment of this chapter or any amendment hereto, but which do not conform to the provisions thereof, shall be abated or made to conform within 3 years from the date of enactment.~~

~~(2) In newly annexed areas, all signs shall be abated or made to conform within 3 years from the effective date of such annexation.~~

~~(3) Existing pole signs located within the City boundaries on June 6, 1988 shall have been abated on or before June 6, 1991.~~

(A) Amortization Period. Any sign that does not conform to this chapter, but which lawfully existed as of the date of this chapter's enactment or amendment, shall be abated or made to conform within the applicable amortization period specified below.

(1) Temporary signs: Within 1 day of the property or business owner receiving written notice that the sign is nonconforming;

(2) Luminous tube or internally illuminated signs: Within 60 days of the property or business owner receiving written notice that the sign is nonconforming;

(3) Window signs: Within 120 days of the property or business owner receiving written notice that the sign is nonconforming;

(4) All other signs: Within 3 years of the property or business owner receiving written notice that the sign is nonconforming.

(B) Administrative Relief. Any property or business owner may seek an extension of the applicable amortization period by filing a written application, in the form specified by the Community Development Department and subject to payment of the filing fee established by resolution of the City Council, to the Director of Community Development within ten days of receipt of the notice described above in subdivision (A); provided, however, that amortizations periods shall not be extended for any of the following: any sign with an intended life of less than

15 years, any temporary sign, any sign erected without first complying with all ordinances and regulations in effect at the time of the construction and erection of the sign, any sign which has been more than 50% destroyed, any sign whose owner seeks relocation thereof, or any sign for which there has been an agreement between the owner thereof and the City for its removal as of any given date. The determination of the Director of Community Development shall be made in writing within 30 days of receipt of a complete application. Any aggrieved applicant may appeal the determination of the Director of Community Development pursuant to Section 25.05.070.

(C) Criteria for Determination of Application. In making a determination as to whether an amortization period should be extended, the following matters, among other relevant information, should be considered:

(1) The property or business owner's investment in the nonconforming sign
(2) The nonconforming sign's present actual or depreciated value
(3) The depreciation treatment for income tax purposes
(4) The cost to remove nonconforming sign and salvage value
(5) The nonconforming sign's remaining useful life
(6) The age, condition and physical characteristics of the nonconforming sign
(7) The location of the nonconforming sign
(8) The extent of sign's nonconformity
(9) The date of construction of the nonconforming sign
(10) The property or business owner's monopoly or business advantage resulting from prohibition of similar signs
(11) The harm to public if the nonconforming sign remains beyond the prescribed amortization period

(D) Any nonconforming sign shall either be eliminated or made to conform with the requirements of this Chapter when any change, including proposed changes to the information on the face of an existing nonconforming sign, repair or maintenance is proposed.

(E) In newly annexed areas, all nonconforming signs shall be abated or made to conform within three years from the effective date of such annexation.

(F) The billboard located at 31792 Coast Highway shall be abated on or before September 6, 2010 pursuant to the Van Wagner Settlement Agreement approved by City Council on October 3, 1995.

25.54.024 Murals

(A) Murals shall conform to the design standards and permit procedures outlined below ~~for such signs~~; except that murals proposed in compliance with Chapter 1.09 (Art in Public Places) shall be governed by the design standards and permit procedures of that Chapter, and ~~murals~~ mural proposals which are considered to be wall signs~~, pursuant to the definition of "mural" in Section 25.54.006,~~ shall conform to the design standards ~~and permit procedures~~ applicable to ~~such~~ wall signs. Signature(s) of the artist(s) shall be allowed and limited to a maximum of two square feet.

(B) The following procedures shall govern the approval of ~~murals not considered to be wall signs~~mural proposals.

(1) Applications. Applications for mural permits shall be submitted to the Department of Community Development on an approved application form and shall be accompanied by the following: a site plan showing the lot and building dimensions and indicating the proposed location of the mural; a scale drawing and color photo of the building showing the proposed size and placement of the mural; a colored drawing of the proposed mural; and the proposed maintenance schedule.

(2) Arts Commission Review Required. ~~Prior to the required design review, the~~ The Arts Commission shall ~~serve an advisory role by providing~~review and approve ~~a recommendation to the Design Review Board regarding~~ all proposed ~~murals~~mural applications. If the proposed mural contains words, logos, trademarks or graphic representations of any person, product or service that identify a business, the Arts Commission shall determine whether the proposal is a mural or a wall sign.

(3) Heritage Committee Review Required. If a mural is proposed on a historic structure identified on the City's Historic Resources Inventory and/or City's Historic Register, the Heritage Committee shall review and make a recommendation regarding the mural proposal prior to the review of the Arts Commission.

(~~3~~4) ~~Design~~ Additional Review ~~Required~~. All proposed murals ~~shall~~ located in the downtown may be ~~be subject to the review and approval of the Design Review Board, including the noticing requirements~~appealed to the Planning Commission by a member of the Planning Commission or City Council for review and approval. ~~set forth in Section 25.05.040 for design review. The Design Review Board shall consider the recommendations of the Arts Commission in reviewing mural applications.~~

(~~4~~5) ~~Design~~ Criteria. In addition to the design criteria set forth in this Chapter and Section 25.05.040 for design review, the following criteria shall be considered in the review of mural applications:

(a) Visual Enhancement. The proposed mural has attributes that enhance ~~visual enjoyment~~the site;

(b) Artistic Excellence. The proposed mural exemplifies high artistic quality of original artwork;

(c) Public Safety. The proposed mural does not create a public safety issue~~, such as a distraction to drivers~~;

(~~5~~6) Lighting. ~~Murals shall not be lighted in any manner~~Proposed lighting of murals shall minimize glare and/or light spillage onto the public way or adjacent properties;

(~~6~~7) Long-term Maintenance and Removal. The mural shall be ~~kept~~ maintained in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the ~~Design Review Board~~Arts Commission. The removal or deaccession of murals shall comply with the Deaccession Policy established by the City Council of Laguna Beach.

25.54.026 Arts Organizations

(A) Signs, Façade Changes and Sign Programs for Arts Organizations. It is recognized that certain public benefit non-profit arts organizations, specifically the Festival of Arts, the Sawdust Festival, the Art-A-Fair, the Laguna Playhouse, the Laguna Art Museum and the Art Institute, conduct annual or ongoing special events which have special needs in terms of the audience or patrons they serve which may not be adequately addressed by the sign requirements applicable to private commercial enterprises.

(B) Criteria. The above arts organizations may apply for and receive approval for sign permits or sign programs, including façade changes, from the Planning Commission in accordance with the provisions of this Section. The proposed plans for a sign, façade change or sign program must: 1) specify the size and design for each sign or façade change; 2) the maximum display term; and 3) the location of each sign. The Planning Commission has complete discretion for these specifications, regardless of the other provisions of this Chapter. The approved signs, façade changes or sign programs shall minimize clutter, be compatible with the village character of Laguna Beach, reflect an integration with the site's surroundings, promote the purpose and mission of the arts organization and not significantly differ from the historic pattern of the arts organization's signage and façade presentation.

(C) Administrative Approval. The Planning Commission may authorize administrative approval by the Director of Community Development for new signs or changes to existing signs subject to and in accordance with an approved sign program. The Planning Commission may establish special criteria for such administrative approvals by the Director when it approves an arts organization's sign program.

(D) Commercial Events. Signs for any type of private commercial events located at an arts organization's site shall require separate sign permits and be subject to the requirements of this Chapter.

Table 1 Permitted Signs by Type and ~~Zoning District~~Use					
Sign Type	**Residential[1]**	**Commercial[1]**	**Industrial[1]**	**Institutional[1]**	**Recreational[1]**
Advertising	N	P	P	N	N
Alley	N	P	P	P	P
~~Projecting~~[7] Blade or Projecting[7]	N	P	P	P	P
Building Marker[2]	A	A	A	A	A
Bulletin Boards	~~N~~A	~~N~~A	~~N~~A	~~P~~A	~~P~~A
Canopy/ Awning[7]	N	P	P	P	N
Changeable Display	N	P	P	P	P
Directory	P	P	P	P	P
Freestanding	N[3]	P	P	P	P
Identification	A[4]	P	P	P	P
Incidental[5]	~~P~~A	~~P~~A	~~P~~A	~~P~~A	~~P~~A
Interior Building	N	P	P	P	P
Marquee	N	P	N	P	N
Menu A-Frame or Menu Board	N	P	N	N	N
Open House[6]	A	A	A	A	A
Real Estate	A	A	A	A	A
Roof	N	~~P~~N	N	N	N
Suspended[7]	N	P	P	P	P
Temporary[8]	P	P	P	P	P
Tract/Area Identity[9]	P	P	P	N	N
Wall[7]	N	P	P	P	P
Window	N	~~A~~P	~~A~~P	~~A~~P	~~A~~P
KEY: A=Allowed without a Sign Permit P=Permit Required N=Not Allowed					

[1] This column does not necessarily represent a zoning district. It ~~applies~~ represents ~~to institutional and recreational~~ types of uses permitted under the zoning ordinance in any zoning district. ~~Such uses may include, but are not necessarily limited to, churches, schools, cemeteries and park facilities.~~

[2] May include only building name, date of construction, and/or historical date on historic site.

[3] Excepting incidental signs.

[4] Permit required in R-3 zone and for "Bed & Breakfast" identification signs in the R-2 zone.

[5] Such signs shall not be illuminated and may not contain a commercial message of any kind.

[6] ~~Such~~ Open house signs:

(A) shall not exceed 2 sq. ft. per sign face;

(B) shall be affixed to a single wood or metal pole;

(C) shall be installed no earlier than 8:00 a.m. and removed no later than sunset on the day of the open house;

(D) shall be posted only during the time the owner or agent is on the premises and the premises are open for inspection;

(E) shall not be placed on public property or public right-of-way but only on private property with prior consent of that property owner;

(F) shall not be installed in a manner which creates a hazard to pedestrian or vehicular traffic;

(G) shall contain only the wording "open house" with a directional arrow, except that the name of the person and/or company owning the sign may be affixed in a space not exceeding ~~2 sq. inches~~3-½ inches wide by 3 inches high placed in the upper left-hand corner of the sign;

(H) may be placed in each direction of any intersection at any time (only one sign allowed in each direction); and

(I) shall have obtained ~~Design Review Board~~ approval from the approval authority of the format; for example, green, blue or red lettering on a white background.

[7] If ~~such~~ a canopy/awning, suspended, blade/projecting or wall sign ~~is suspended or~~ projects above a public right-of-way, the sign owner shall obtain and maintain in force liability insurance for such sign and the bottom edge must be at least 7 feet above public right-of-way surface.

[8] The conditions of Section 25.54.020 of this Chapter apply.

[9] Such signs shall consist of landscaped decorative masonry walls not exceeding 42 inches in height, and shall be located so as not to interfere with vehicular access or visibility.

Table 2 Sign Design Standards by Sign Type				
Sign Type	**Maximum No. Permitted**	**Maximum Sign Area[1]**	**Height[2]**	**Other Specifications**
Advertising	Discretionary	10% of ~~copy displayed on a sign~~allowable wall or freestanding sign area	6'	See appropriate specifications for wall or freestanding sign.
Alley[3]	1 per building	10 sq. ft. per sign	n/a	See appropriate specifications for wall or freestanding sign.
~~Projecting~~Blade or Projecting[3]	Discretionary	~~75~~ 12 sq. ft. per sign face	~~8'~~ 7' minimum clearance	Sign may project a maximum of ~~3~~ 5 ft. from building wall
Building Marker[3]	1 per building	~~1~~ 2 square foot	n/a	Must be cut or etched into masonry/bronze/similar material.
Bulletin Boards[8]	1 per site	Double-faced; maximum 25 sq. ft.	6'	See appropriate specifications for wall or freestanding sign.
Canopy/Awning	Discretionary	75 sq. ft. per sign face	~~n/a~~7' minimum clearance	Sign copy must be located on front or leading edge only and may not be backlit.
Changeable Display[6] (including parking lot cost or rate signs)	1 per site or parking lot entrance/exit; service stations -discretionary	10 sq. ft.	6'	Service station price signs[3] are allowed in accordance with State regulations; however they shall not be internally illuminated.
Directory	1 per frontage	75 sq. ft. per sign face	6'	See appropriate specifications for wall or freestanding sign.
Freestanding	1 per site[4]	1/3 of allowable sign area for site; max. 50 sq. ft. total; 25 sq. ft. per sign face	6'	Minimum side setback of 5 ft.; corner setback as per Section 25.50.006
Identification[5]	1 per site or tenant	12 sq. ft. in the R-3 Zone; ½ sq. ft. in the R-1/R-2 Zones[5]	6'	See appropriate specifications for wall or freestanding sign.
Incidental[3]	Discretionary	~~3 sq. ft. per sign~~Maximum of 8 sq. ft. total	4'	See appropriate specifications for wall or freestanding sign.
Interior Building	2 per site or tenant	Maximum of 12 sq. ft. total	n/a	Such signs shall not be internally illuminated.
Marquee[3]	1 per site	Discretionary	n/a	Marquee may be internally illuminated.
Menu A-Frame or Menu Board	1 per site	8 sq. ft. per sign face for Menu A-Frame; 4 sq. ft. for Menu Board for restaurant & 20 sq. ft. for drive-thru	4' for Menu A-Frame; 7' for Menu Board	Must be located on private property, not affixed to a window or placed on a public sidewalk. Must be compatible with scale, colors and materials of restaurant.
Open House	See Table 1, Footnote 6	2 sq. ft. per sign face	4'	See Table 1, Footnote 6
Real Estate[3]	1 per frontage	Double-faced; 3 sq. ft. per sign face	4'	See appropriate specifications for wall or freestanding sign.
Roof	~~1 per site~~[3] Not allowed	~~75 sq. ft. per sign face~~n/a	n/a	~~Parallel with and directly above the building wall below, perpendicular to direction of roof slope.~~n/a
Suspended[3]	Discretionary	Double-faced; ~~2~~ 12 sq. ft. per sign face	~~8'~~ 7' minimum clearance	~~Sign~~ Suspended signs shall be ~~rigidly~~ safely attached to the structure ~~to minimize movement~~.
Temporary[3,7]	1 per wall or window	10 sq. ft., except in the downtown area the limit is 5 sq. ft.	n/a	May not be posted for more than 30 consecutive days or a total of 60 days per year.
Wall	~~Discretionary~~ 3 per site	75 sq. ft. per sign face, except in the downtown area the limit is 15 sq. ft.	n/a	Side setback equal to 10% of frontage, maximum requirement of 5 ft.; minimum 3 ft. separation between signs on same site.
Window[2]	~~Discretionary~~3 per site	~~20~~10% of the window area, up to a max. of ~~20~~ 10 sq. ft. per ~~site~~window, except in the downtown area the max. is 5 sq. ft. per window	n/a	~~Sign~~ Window signs may not be illuminated; adjacent windows with mullions less than 3 inches in width ~~will~~ shall be considered as one window.

[1] The combined allowable sign area of all permanent signs not exempt under Section 25.54.014 on any site shall not exceed 1 sq. ft. per foot of linear building or suite frontage, up to a maximum of 150 square feet. ~~and no single~~Single signs ~~face~~ shall not exceed 75 sq. ft. in size. (See Section 25.54.008[D].)

[2] Top of sign height limit, unless otherwise noted.

[3] Exempt from maximum allowable sign area calculations. (See Section 25.54.008[D].)

[4] Excepting incidental, real estate and open house signs there shall be no more than one freestanding sign allowed per site. Brochure holders are not allowed, and only one rider sign, not to exceed 18 inches wide by 6 inches high in size, per sign is allowed.

[5] A non-illuminated sign not exceeding 1 sq. ft. in area may be permitted for Bed & Breakfast Inns located in the R-2 district. Such signs may consist of the name of the occupant or establishment located on the premises and a description of services rendered; the establishment shall be referred to as an "inn."

[6] ~~The roof over which a roof sign may be located must have a minimum slope of 3:12. The sign must have a vertical dimension not exceeding 1/2 the horizontal dimension, up to a max. of 5 ft. The sign may not extend above any ridge or lip line within 10 ft., measured horizontally from the sign, nor 25 ft. above adjacent ground.~~Parking lot operators must continuously and clearly display the charge for parking at parking lot entrances so that patrons can determine the cost of parking prior to entering the lot.

[7] See Section 25.54.020 for the special requirements of banners, temporary construction or subdivision signs and for City Council approved temporary special event signs.

[8] Bulletin Boards 25 square feet and under used by public, educational or religious institutions are exempt.

ORDINANCE NO. 1417

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE DIRECT ACCESS STANDARDS OF THE CITY BY AMENDING MUNICIPAL CODE SECTIONS 11.40.070 AND 25.53.004 AND ADDING SECTION 21.12.440

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Municipal Code Section 11.40.070 regarding the review criteria for road or street extensions is hereby amended to read in its entirety as specified below.

11.40.070 Review criteria.

The review process for street openings or extensions shall include the following:

(a) Conformity with applicable elements of the General Plan, especially with respect to land use, circulation and public safety policies;

(b) Consistency with adopted standards of street and grading design as set forth in Titles 21 and 22 of the Municipal Code;

(c) That development of the building site(s) will not create a foreseeable need for additional variances from the development regulations imposed by virtue of street design or location;

(d) Conformance with applicable provisions of the Streets and Highways Code of the State of California, especially with regards to street openings and waivers of grade;

(e) Assurance that the long-term public or private maintenance obligations imposed by the improvement have been adequately addressed and are found to be acceptable, especially with regards to street surfacing, drainage and erosion control and sanitary sewer services;

(f) Any growth-inducing effects of the proposal shall be investigated and adequately considered.

(g) New building sites created through a street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004).

(h) Secondary emergency access shall be provided by roads with direct access.

SECTION 2. Municipal Code Section 25.53.004 regarding vehicular access requirements is hereby amended to read in its entirety as specified below.

25.53.004 Vehicular access.

(A) For definitions of "access," "street," "driveway," "subdivision standards" and "usable vehicular right-of-way of record" in relationship to a "lot," a "building site" or "parcel," refer to Chapter 25.08, "Definitions and Standards" and Title 21 for definitions and street design standards.

(B) There shall be safe vehicular access from a "usable vehicular right-of-way of record" to off-street parking facilities on the property requiring such facilities.

(C) Vehicular access to lots fronting on arterial and primary residential collector streets shall be such that there shall be a paved turning area on the lot or device to permit motor vehicles to head into the street, as approved by the City Engineer.

(D) Direct access shall be provided to building sites. New building sites created through a street extension or subdivision review and approval process shall be provided by roads with direct access. Secondary emergency access shall be provided by roads with direct access.

SECTION 3. Municipal Code Section 21.12.440 regarding a direct access design standard is hereby added to read in its entirety as specified below.

21.12.440 Direct access.

New building sites created though a subdivision or street extension review and approval process shall be provided by roads with direct access, (see Section 25.53.004). Secondary emergency access shall be provided by roads with direct access.

SECTION 4. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(3) of the State CEQA Guidelines.

SECTION 5. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 6. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 7. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this ____ day of _____, 2002.

_____
Wayne Baglin, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on _____, 2002, and was finally adopted at a regular meeting of the City Council of said City held on _____, 2002 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1419

AN ORDINANCE OF THE CITY OF LAGUNA BEACH ADDING LAGUNA BEACH MUNICIPAL CODE SECTION 21.08.220, RELATING TO APPROVAL AND ACCEPTANCE BY CITY COUNCIL OF REQUIRED SUBDIVISION IMPROVEMENTS

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1: Section 21.08.220 is hereby added to the Laguna Beach Municipal Code to read in its entirety as follows:

Municipal Code Section 21.08.220

21.08.220 Final Acceptance of Subdivision Improvements.

After completion, inspection and approval by the City Engineer of all required works of subdivision improvement, the City Council shall approve such works as complete, shall release applicable sureties not less than thirty (30) days after a Notice of Completion has been filed with the County Recorder of the County of Orange, and shall accept such works on behalf of the City of Laguna Beach.

SECTION 2. If any portion of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof

inconsistent shall be and the same are hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days from and after the date of its adoption by the City Council.

ADOPTED this 3rd day of December, 2002.

Toni Iseman
Toni Iseman, Mayor

ATTEST:

Verna L Rollinger
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1419 was introduced at a regular meeting of the City Council on November 19, 2002, and was finally adopted at a regular meeting of the City Council of said City held on December 3, 2002 by the following vote:

AYES: COUNCILMEMBER(S): Baglin, Pearson, Kinsman, Iseman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): Dicterow

Verna L Rollinger
City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1424

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE SIGN REGULATIONS OF THE CITY - MUNICIPAL CODE CHAPTER 25.54

WHEREAS, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. The definition of "Banner" in Municipal Code Section 25.54.006 is hereby amended in its entirety as follows:

"Banner" means any temporary sign of lightweight fabric, plastic, paper or other non-rigid material.

"Sign" means any device, fixture, placard, painting, display or structure that uses any color, form, graphic, illumination, logo, symbol or letters to identify the name of a person or business, or to communicate information or attract attention about the business conducted, services available or rendered, or the goods or property produced, sold or available for sale. This shall not include normal merchandise or associated artwork on display in the window.

SECTION 2. Municipal Code Section 25.54.016 regarding prohibited signs is hereby amended in its entirety as follows:

25.54.016 Prohibited signs

All signs not expressly permitted under this chapter or exempt from regulation in accordance with Section 25.54.014 are prohibited. Such signs include, but are not limited to:

(A) Animated signs;

(B) A sign no longer identifying a bona fide existing business;

(C) Banners and beacons, except as permitted in accordance with Sections 25.54.012 and 25.54.020;

(D) Billboards, including mobile billboards on trailers;

(E) Excepting marquees, internally illuminated signs;

(F) Inflated display signs and tethered balloons, except as permitted in accordance with Section 25.54.020 or as a part of an approved outdoor display or sign program;

(G) Portable signs;

(H) Roof signs;

(I) Signs of any type associated with a bus stop. (Bus stop signs erected by a public transit agency are allowed.);

(J) Back-lit canopy/awning signs;

(K) Pole signs;

(L) Private incidental signs of any type, including "no parking" signs, located in the public right-of-way or situated adjacent to the public right-of-way in an effort to monopolize or control public parking spaces.

SECTION 3. Footnote 5 of Table 1 regarding incidental signs is hereby amended in its entirety as follows:

> [5]Incidental signs shall not be illuminated; shall not contain a commercial message of any kind; and shall not be located in the public right-of-way or situated adjacent to the public right-of-way in an effort to monopolize or control public parking spaces.

SECTION 4. Municipal Code Section 25.54.018(E)(2) General Permit Procedures regarding signs eligible for Administrative Approval is hereby amended in its entirety as follows:

(2) Signs that meet all of the following conditions:

(a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to, Section 25.54.010 and Tables 1 and 2;

(b) The sign(s) shall not cause the total signage to exceed the maximum allowable sign area for the site;

(c) Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and

(d) The letter or font height shall not exceed 8 inches.

SECTION 5. Municipal Code Sections 25.54.020(E)(3) & (4) regarding temporary construction and subdivision signs are hereby amended in their entirety as follows:

(3) Temporary Construction Signs. One sign identifying the person or persons engaged in a construction project may be permitted on a property during the period of construction, subject to the following conditions:

(a) The sign must be located within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

(b) Where located in a residential district, the sign area shall not exceed 3 square feet; in other zoning districts the sign area shall not exceed 6 square feet.

(c) The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection.

(d) The top of the sign shall not exceed 8 feet above natural grade.

(4) Temporary Subdivision Signs. One temporary sign advertising the prospective sale or lease of a group of lots or dwellings within a subdivision shall be permitted, subject to the following conditions:

(a) The sign must be located on the premises being sold or leased.

(b) The area of the sign shall not exceed 6 square feet.

(c) The sign may not be illuminated.

(d) The top of the sign shall not exceed 8 feet above natural grade.

(e) The sign may remain only as long as the property remains unsold or unleased for the first time, up to a maximum 1-year period. The Director of Community Development shall have the authority to extend the 1-year time period for one additional 1-year period.

(f) There shall be deposited with the Community Development Department cash or surety bond in the amount of $300. The conditions of the bond shall be as follows: If the permittee faithfully complies with the requirements and conditions of this subsection, then such bond shall be exonerated and cancelled; the bond shall otherwise be forfeited to the City as a penalty for failure of the applicant to comply with the conditions of the bond.

SECTION 6. Footnote 4 of Table 2 of Municipal Code Chapter 25.54 regarding rider signs is hereby amended in its entirety as follows:

[4]Excepting incidental, real estate and open house signs there shall be no more than one freestanding sign allowed per site. ~~Brochure holders and rider~~ Rider signs on open house signs and brochure holders are not allowed. Short-term rental real estate signs shall only be displayed up to a maximum of 30 consecutive days and 60 days per calendar year. Permanent real estate display signs may be applied for as advertising signs.

SECTION 7. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 8. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 9. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this 11th day of February, 2003.

Toni Iseman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on February 4, 2003 and was finally adopted at a regular meeting of the City Council of said City held on February 11, 2003 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1427

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING CHAPTER 25.17 REGARDING THE PROCESSING AND APPROVAL REQUIREMENTS FOR SECOND RESIDENTIAL UNITS

WHEREAS, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to Chapter 25.17 regarding the processing and approval requirements for second residential units as required by recent changes to state law; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Chapter 25.17 of the Municipal Code regarding the processing and approval requirements for second residential units is hereby amended to read in its entirety as specified in Attachment A.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(1) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective on July 1, 2003, which is more than thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of ____, 2003.

_____
Toni Iseman, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on April 15, 2003 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2003 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

Attachment A

Chapter 25.17

SECOND RESIDENTIAL UNITS

Sections:

25.17.010 Purpose and Intent

In accordance with Sections 65852.1 ~~and~~ ,65852.2(a) and 65852.2(j) of the Government Code, this Chapter is intended to authorize the creation of second residential units in single-family ~~and multifamily~~ residential zones consistent with all of the provisions of this Chapter. The purpose of this Chapter is to establish housing opportunities for the community through the provision of second residential units that utilize existing housing resources and existing infrastructure. To ensure that no avoidable adverse impacts on the public health, safety and general welfare result from the establishment of second residential units, this Chapter prescribes standards for the ~~review and~~ approval of such units.

~~**25.17.020 Conditional Use Permit Required**~~

~~(A) All second residential units pursuant to this Chapter shall be subject to the approval of a conditional use permit as provided for in Chapter 25.05.030. The applicant for a conditional use permit shall be the owner of the real property on which the second residential unit is proposed to be established, or his/her authorized agent. If the conditional use permit is approved, the owner of the second residential unit shall be required to sign a statement indicating that such unit is in compliance with the conditions of this chapter and the related conditional use permit. This affidavit shall be submitted on a yearly basis for as long as the conditional use permit remains effective. The City reserves the right to perform on-site inspections when required.~~

~~(B) In reviewing conditional use permit applications for second residential units, the impact of the proposed unit on the surrounding neighborhood and on the City in general shall be evaluated. In connection with the findings required by Section 25.05.030, consideration shall be given as to whether the proposed second residential unit will cause excessive noise, traffic or other disturbances to the use and enjoyment of surrounding properties, and whether the proposed second residential unit will result in significant adverse impacts on public services and resources.~~

25.17.~~030~~020 General Provisions

For the purposes of this Chapter, a second residential unit means an attached or detached dwelling unit which provides complete and independent living accommodations and facilities for one or more persons on lots zoned for residential use and shall be considered a main building. A second residential unit which conforms to the requirements of this Chapter shall not be considered to exceed the allowable density for the lot upon which such unit is proposed to be established and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot.

25.17.~~040~~030 Minimum Requirements

Each second residential unit approved pursuant to this Chapter shall comply with the following standards and criteria:

(A) The second residential unit shall meet all applicable building and construction requirements set forth in Titles 14 and 17 that apply to the construction of single-family detached dwellings, as appropriate, including but not limited to sewer and utility services.

(B) No more than one second residential unit shall be permitted on a single lot.

(C) The lot on which the second residential unit is proposed to be established shall only contain an existing single-family dwelling. At no time shall the lot be allowed to contain a guest house or guest room and second residential unit concurrently.

(D) The lot on which the second residential unit is proposed to be established shall be zoned for single-family ~~or multifamily~~ use (R1, Residential Low Density or R/HP, Residential / Hillside Protection Zones).

(E) Where the existing single-family dwelling on the lot constitutes a nonconforming structure, any second residential unit shall be subject to the provisions of Chapter 25.56.

(F) The existing residential dwelling on the lot shall comply with the parking regulations set forth in Chapter 25.52 or such other applicable regulations.

(G) The second residential unit may be rented, but shall not be intended for sale or sold separately from the existing residential dwelling on the lot.

(H) The second residential unit may be attached to or detached from the existing dwelling on the lot, except that where zoning requirements and property development standards of the applicable zone do not permit guest houses, any second residential unit must be attached to the existing dwelling. Where allowed, detached second residential units shall comply with the following development standards:

(1) Such unit shall utilize the same vehicular access which serves the existing dwelling unit. If the parcel is a "through lot" as defined in Section 25.08.022, access for both the single-family home and the second residential unit shall be limited to one point or side of the lot for both dwelling units;

(2) The lot shall have a minimum area of nine thousand square feet~~; provided, however, the minimum area shall be seven thousand square feet for units subject to the provisions of Section 25.17.050~~.

(I) The design of the second residential unit shall be subject to the design review regulations set forth in Section 25.05.040. ~~For those proposals located in single-family zones, the~~ The design of the second residential unit should be such that the subject property maintains a single-family appearance.

(J) Except as otherwise specifically provided, additions to the existing residential dwelling for the purpose of establishing a second residential unit shall comply with the zoning requirements and property development standards for the zone within which the lot is located and in effect at the time the application is accepted as complete. This compliance shall include any regulation concerning maximum lot or building site coverage.

(K) The lot on which the second residential unit is proposed to be established shall abut and have the right to the use of a street improved to the standards of design set forth in Chapter 21.12.

(L) One of the residential dwellings on a lot on which the second residential unit is proposed to be established shall be for the exclusive occupancy of the owner of the lot and shall not be rented or leased as long as the second residential unit exists.

~~**25.17.050 Additional Requirements For Second Residential Units Intended For Senior Citizen Occupancy**~~

~~In addition to the requirements set forth in Section 25.17.040, each second residential unit intended for the occupancy of persons who are sixty years of age or older shall comply with the following criteria and standards:~~

~~(A) The second residential unit shall be solely occupied by not more than two persons each of whom is age sixty or older.~~

(~~B~~M) A minimum of one covered off-street parking space shall be provided for the second residential unit in addition to whatever number of parking spaces is required to be provided for the existing single-family dwelling on the lot.

~~(C) The second residential unit shall not exceed six hundred forty square feet of floor space.~~

~~(D) The property on which the second residential unit is proposed shall contain an existing single-family residence.~~

~~**25.17.060 Additional Requirements For Second Residential Units Not Intended For Senior Citizen Occupancy**~~

~~In addition to the requirements set forth in Section 25.17.040, each second residential unit not intended solely for the occupancy of persons who are sixty years of age or older shall comply with the following criteria and standards:~~

~~(A) Two off-street parking spaces at least one of which is covered shall be provided for the second residential unit in addition to whatever number of parking spaces is required to be provided for the existing single-family dwelling on the lot.~~

(~~B~~N) The lot on which the second residential unit is proposed to be established must comply with the existing minimum lot size requirements of the zone in which the lot is located in effect at the time the application for a second residential unit is accepted as complete.

(~~C~~O) The floor area of any new exterior construction proposed for a second residential unit application including, but not limited to, additions to the existing single-family residence~~,~~ and construction of a detached structure ~~and illegally constructed structures~~ shall not exceed 640 square feet.

(~~D~~P) The property on which the second residential unit is proposed shall ~~contain an existing~~ include a single-family residence.

25.17.040 Coastal Development Permits For Second Residential Units

All of the provisions of Chapter 25.07 regarding the review and approval of Coastal Development Permits in relation to second residential units are applicable, except that a public hearing as required by Sections 25.07.012(D) and (E) shall not be required. The Coastal Development Permit review criteria of Section 25.07.012(F)(1 through 9) shall be incorporated into the review of all second residential unit applications. Coastal Development Permit applications shall only be approved if the City's approving authority has reviewed the second residential unit development application and made the findings specified in Section 25.07.012(G).

Notwithstanding the local appeal provisions of Sections 25.05.070 and 25.07.016(A) or Chapter 2.02, Coastal Development Permits for proposed second residential units that are defined as "appealable development" pursuant to Section 25.07.006(A) may be appealed to the Coastal Commission in accordance with the provisions of Section 25.07.014(B) without a discretionary appeal hearing by the City Council.

ORDINANCE NO. 1433

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING THE PERMITTED AND CONDITIONALLY PERMITTED USES OF THE M-1A LIGHT INDUSTRIAL ZONE AND THE M-1B LIGHT INDUSTRIAL ZONE OF THE LAGUNA CANYON ANNEXATION AREA SPECIFIC PLAN AND DELETING THE M1 INDUSTRIAL ZONE.

WHEREAS, on October 22, 2003, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, unanimously voted to recommend that the City Council approve amendments to Municipal Code Chapters 25.31, 25.32 and the M-1B Light Industrial Zone of the Laguna Canyon Annexation; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented; and,

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Chapter 25.31 of Laguna Beach's Municipal Code regarding the M-1 Industrial Zone is hereby deleted in its entirety.

SECTION 2. Chapter 25.32 of Laguna Beach's Municipal Code regarding the M-1A Light Industrial Zone is hereby amended to read in its entirety as follows:

Chapter 25.32

M-1A LIGHT INDUSTRIAL ZONE

Sections:

25.32.001 Intent and purpose.

This zone is intended for light industrial and limited commercial uses wherein operations are such that they be compatible with adjacent residential environs of the community.

25.32.002 Uses permitted.

Within the area covered by the terms of this section, all buildings, structures and land shall be used and buildings and structures shall hereafter be erected, designed, structurally altered or enlarged only for the following uses:

(A) Light Manufacturing:

(1) Auto painting (conducted wholly within an enclosed building);
(2) Auto upholstery;
(3) Bakery (wholesale);
(4) Boat building and repairs;
(5) Cabinet shop;
(6) Ceramic products manufacture provided that no shuttle kiln be employed on the premises and that there be no pulverizing of clay;
(7) Light electronic manufacturing;
(8) Food products manufacture (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
(9) Garment and shoe manufacturing;
(10) Lumber yard, including milling;
(11) Sign manufacturing;
(12) Textiles;
~~(13) Tire recapping, retreading and rebuilding;~~
(~~14~~13) Upholstery;
(~~15~~14) Welding shop;
(~~16~~15) Compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: bone, cloth, cellophane, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, metal, paper, plaster, plastics, shells, stones (precious or semi-precious), textiles, tobacco, wood and yarns.

(B) Processing:

(1) Blueprinting or photocopying;
(2) Carpet and rug cleaning plant;
(3) Cleaning and dyeing plants;
(4) Dairy products;
(5) Food processing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
(6) Laboratory (chemical or scientific);
(7) Water softening;
(8) Greenhouse (no retail sales).

(C) Wholesaling, warehousing and storage (all outdoor storage including machinery and equipment shall be enclosed within walls or fences):

(1) Wholesaling and warehousing facilities;
(2) Distribution agencies;
(3) Contractors storage yard;
(4) Building materials;
(5) Feed and fuel;
(6) Lumber yard;

(7) Machinery and equipment rental;
~~(8) Draying and freight yard;~~
(9~~8~~) Bus storage.

(D) Utilities:
(1) Distribution plant or subsection;
(2) Service yard.

(E) Commercial and Services:
(1) Automotive ~~body~~ repair and maintenance (conducted wholly within an enclosed building);
(2) Automotive sales and services;
(3) Commercial uses customarily incidental (ten percent of floor area) to and directly related to the operation of permitted light industrial uses;
(4) Administrative or sales office related to a permitted industrial use, but exceeding sales limited to retail sales operations only.

(F) Other:
(1) Artists studios
(~~1~~2) Small animal hospital;
(~~2~~3) Printing and publishing;
(~~3~~4) Research;
(4~~5~~) Motion picture studios, including video and photographic studios (excluding retail sales) when conducted within an enclosed building;
(~~5~~6) Uses incidental to industrial uses such as infirmary, dispensary, lunch room, employee recreation facilities and residential uses for plant security personnel.

~~(G) Other uses the Planning Commission deems, after public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the permitted uses.~~

25.32.003 Uses permitted subject to conditional use permit.
The following uses may be permitted subject to the granting of a Conditional Use Permit as provided for in Section 25.05.030:

(A) Country clubs or recreation facilities, all;

(B) Administrative and professional offices, excluding medical offices, where sole access is from other than a primary road;

(C) Asphalt patching;

(D) Automotive service station, where sole access is from other than a primary road; no sale of alcoholic beverages shall be permitted;

(E) Concrete mixing;

(F) Aviary, with no retail sales;

(G) Noncommercial storage of horses, subject to the following:
(1) One-acre minimum site required;
(2) There shall be no shelter or supplementary feeding of, or any structures designed for such shelter or such feeding of said animals, within seventy-five feet of the right-of-way line of any street.

(H) Mortuary, including crematorium;

(I) Sound production studios;

(J) Artists joint living and working units, as defined in Chapter 25.16;

(K) Car washes;

(L) Other uses the Planning Commission deems, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare of the neighborhood than any use permitted or listed above.

25.32.004 Uses prohibited.

The following uses are prohibited in the M-1A zone:

(A) All uses not specifically listed;

(B) Residential uses (except those permitted above);

(C) Commercial uses (except those permitted above).

25.32.005 Property development standards.

The following property development standards shall apply to all land and structures in the M-1A zone, except that any lot existing on the effective date of the ordinance codified herein which is substandard in area or dimensions may be used only if it does not adjoin other unimproved land of the same owner available for use in connection with said lot.

(A) Lot Area. Each lot shall have minimum of seven thousand five hundred square feet.

(B) Lot Width.

(1) Each lot shall have a minimum width of fifty feet.

(C) Building Height. No building or structure erected in this zone shall have a height greater than thirty-five feet.

(D) Yards.

(1) Front Yard. Each lot fronting on Laguna Canyon Road shall maintain a front yard of not less than twenty-five feet, except that, in exceptional circumstances to preserve stands or specimens of relatively mature trees, the front yard may be reduced to fifteen feet, or may be increased for the same purposes by the board of design review. Each lot fronting on other streets shall maintain a front yard of not less than ten feet. Front yards shall be used only for landscaping (including walkways) and required vehicular access. Front yards shall not be used for parking or storage.

(2) Side and Rear Yards. No side or rear yards shall be normally required, except as follows:

(a) Where such yard abuts a street, the same provisions as for front yards shall apply,

(b) Where stands or specimens of relatively mature trees exist, the Board of Design Review may require a yard area to protect such trees,

(c) Where it is necessary to adjust the arrangement of buildings and uses on the site to achieve the purposes of design review as outlined in Chapter 25.40 of this title, the Board of Design Review may require reasonable yard areas,

(d) Where a lot directly abuts the R-1, R-2 or R-3 zone, or where such a zone boundary line divides a lot or parcel, there shall be maintained on the M-1A land along the zone boundary a side and/or rear yard having a depth at every point thereof of fifty feet. Said yard may be used only for landscaped buffer zones as approved by design review.

(E) Coverage and Open Land Area. Natural slopes of fifty percent or greater shall be left open and maintained with natural landscaping. With a project application, the Board of Design Review may require additional landscaping or clearing for erosion control purposes, fire protection purposes, or to better integrate the uses on the site with the natural features of the site.

(F) Required Fences, Hedges, Walls and Landscape Buffers. Solid fences, hedges, walls or other landscape buffers of a minimum height of six feet are required in the following circumstances:

(1) Along the perimeter of all areas which are considered to be dangerous to the public health or safety;

(2) Around any area devoted to open storage, to a height at least equal to the material being stored;

(3) Where the lot abuts a residential zone, except if the zone boundary is along the toe of a slope 2:1 or greater, which height is six feet or greater.

(G) Access.

(1) There shall be vehicular access from a usable street to off-street parking facilities on the property requiring off-street parking facilities;

(2) Vehicular access to lots fronting on a primary or secondary thoroughfare shall be such that there shall be a paved turning area on the lot or a device to permit motor vehicles to head into the street. Such turning area or device and access shall be in accordance with the standards prescribed by the Director of Community Development.

(H) Off-Street Parking. The provisions of Chapter 25.52 shall apply.

(I) Loading Space. The following standards shall apply:

(1) Loading Space Required. For every building or structure hereafter erected, enlarged or increased in capacity, there shall be provided one loading space for each thirty thousand square feet of gross floor area or fraction thereof.

(2) General Requirements:

(a) No loading space provided for the purpose of complying with the provisions of this title shall hereafter be eliminated, reduced or converted in any manner unless equivalent facilities approved by the City are provided elsewhere in conformity with this title. The use or occupancy permit shall immediately become void upon the failure to observe the requirements of this paragraph

(b) Loading space being maintained in connection with any structure, on the effective date of the ordinance codified herein, shall thereafter be maintained so long as the structure remains in a use requiring such loading space under the terms of this title, unless equivalent loading space approved by the City is provided; provided, however, that this regulation shall not require the maintenance of more loading space than is required for a new structure

(c) Each loading space required herein shall consist of a paved area no less than ten feet by forty feet with a clear height of fourteen feet and so located and maintained that there shall be at all times a usable way of vehicular ingress and egress to such space or spaces;

(3) Location. The location of the loading space required herein shall be designated on a site plan which shall be filed with the Director of Community Development;

(J) Other. To provide proper local access for the users and prevent congestion and other hazards related to the intense use of the land permitted in this zone, the following improvements are deemed necessary, and these must be complied with a bond or amount of money satisfactory to the City filed before any building or use permit may be issued. The City Council may waive these requirements where their application is impractical:

(1) Streets shall have been improved to the standards approved by the City Council;

(2) Sidewalks shall have been installed;

(3) Alleys shall have been paved.

25.32.006 Performance standards.

The following performance standards shall apply to all uses within the M-1A zone:

(A) Smoke. Every use shall be so operated that there shall be no smoke whatsoever discharged into the atmosphere.

(B) Odor. Every use shall be so operated that it does not emit an obnoxious odor or fumes beyond any boundary line of the lot.

(C) Dust and Dirt. Every use shall be so operated that any dust or dirt produced shall be confined within a building and shall not be discharged into the atmosphere.

(D) Glare. Every use shall be so operated that any glare incidental to the operations shall not be visible beyond the boundaries of the property.

(E) Sound. Sound resulting from the conduct of permitted uses, excluding traffic noise, shall be muffled so as not to become objectionable due to intermittence, beat, frequency or shrillness. Sound pressure levels above those shown in the following table, when measured at the boundary line of property on which the sound is generated, shall be considered objectionable:

American Standard Preferred Frequencies	Octave Band Sound Pressure Level in Decibels 0.0002 dynes/sq.cm.
63	72
125	67
250	59
500	52
1,000	46
2,000	40
4,000	34
8,000	32

If the noise is not smooth and continuous or is not present between the hours of six p.m. and seven a.m., one or more of the following corrections shall be applied to the above octave band levels:

	Corrections in Decibels
Daytime operation only	+ 5
Noise source operates less than twenty percent of any one-hour period	+ 5
Noise source operates less	

than five percent of any one-hour period	+ 10
Noise of impulsive character such as hammering	-5
Noise of periodic character such as humming or screeching	-5

The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association as listed in the above chart.

SECTION 3. The M-1B Light Industrial Zone of the Laguna Canyon Annexation Area Specific Plan is hereby amended to read in its entirety as follows:

M-1B Light Industrial Zone

Sections:

1. **Intent and purpose.**
2. **Uses permitted.**
3. **Uses permitted subject to a conditional use permit.**
4. **Property development standards.**
5. **Performance standards.**

1. Intent and purpose. This zone is intended for limited light industrial and limited commercial uses wherein such operations are compatible with adjacent residential environs of the community and existing legal, nonconforming structures and uses within the zone, including residential.

2. Uses permitted. Within the area covered by the terms of this section, all buildings, structures and land shall be used and buildings and structures shall be hereafter be erected, designed, structurally altered or enlarged only for the following uses:

(A) Light Manufacturing:

(1) Bakery (wholesale);
(2) Cabinet shop;
(3) Ceramic products manufacture provided that no shuttle kiln is employed on the premises and that there be no pulverizing of clay;
(4) Light electronic manufacturing;
(5) Food products manufacturing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);
(6) Garment and shoe manufacturing;
(7) Sign manufacturing;
(8) Textiles;
(9) Upholstery;

(10) Compounding, assembly or treatment of articles or merchandise from previously prepared materials such as: bone, cloth, cellophane, cork, feathers, felt, fiber, fur, glass, hair, horns, leather, metal, paper, plaster, plastics, shells, stones (precious or semi-precious), textiles, tobacco, wood and yarns.

(B) Processing:

(1) Blueprinting or photocopying;

(2) Food processing (excluding sauerkraut, vinegar, yeast and fat or oil rendering);

(3) Laboratory (scientific).

(C) Interior wholesaling, warehousing and storage:

(1) Wholesaling and warehousing facilities;

(2) Distribution agencies.

(D) Commercial and Services:

(1) Fruit, flower or vegetable stands (retail sales allowed in conjunction therewith);

(2) Greenhouse, gardening and landscaping services and storage;

(3) Commercial uses customarily incidental to and directly related to the operation of permitted light industrial uses;

(4) Administrative or sales office related to a permitted industrial use but excluding sales limited to retail sales operations only.

(E) Other:

(1) Printing and publishing;

(2) Research;

(3) Artists Studios;

(4) Uses incidental to industrial uses such as infirmary, dispensary, lunch room, employee recreation facilities and residential uses for plant security personnel.

3. Uses permitted subject to a conditional use permit. The following uses may be permitted subject to the granting of a conditional use permit as provided for in Chapter 25.05:

(A) Noncommercial storage of horses and commercial horse stables subject to the following minimum conditions:

(1) One-half acre minimum site required;

(2) There shall be no more than one horse over eight months of age per each 1/2 acre of land;

(3) No shelter or supplementary feeding of, or any structures designed for such shelter or such feeding of animals within 40-feet of any rear or side property line.

(B) Car repair;

(C) Sound production studios;

(D) Small animal hospitals;

(E) Kennels and catteries subject to the provisions of Chapter 6.13 of the Municipal Code;

(F) Machinery and equipment rental (excluding vehicles);

(G) Expansion of legal, nonconforming residential uses or structures;

(H) Outdoor display of merchandise (and associated retail sales), including the sale of animal skins;

(I) Any outdoor use, including outdoor storage;

(~~I~~J) Such other uses as the Planning Commission may deem, after conducting a public hearing, to be similar to and no more obnoxious or detrimental to the public health, safety and welfare than the above permitted or listed uses.

4. Property Development Standards. The property development standards of Chapter 25.31 (M-1A) shall apply to all land and structures in the M-1B Zone with the exception of the following. It should be noted that most of the M-1B Zone is located in the Laguna Creek flood plain. New development in this zone will be subject to the provisions of Chapter 25.38 of the Municipal Code (Flood Damage Prevention) wherever appropriate.

(A) Lot Area. Each lot shall have a minimum of twenty thousand square feet.

(B) Building Height. No building or structure erected in this zone shall have a height greater than twenty-five feet (not including the roof) above the base flood plain level. Total height shall not exceed 35-feet from grade.

(C) Each lot fronting along Laguna Canyon Road shall maintain a front yard of not less than twenty-five feet, except that in exceptional circumstances to preserve stands or specimens of relatively mature trees, the front yard may be reduced to fifteen feet, or may be further reduced for the same purposes by the Design Review Board only as long as the stands of trees are maintained. Each lot fronting on other streets shall maintain a front yard of not less than ten feet. Front yards shall be used only for landscaping (including walkways) and required vehicular access. Front yards may also be used for parking, with approved landscape plans for screening, when the Design Review Board determines that it is not possible to park elsewhere on the property. Front yards shall not be used for storage.

(D) Side and Rear Yards. All side and rear yard requirements of the M-1A zone shall apply with the exception that where a lot less than 50,000 square feet directly abuts the R-1, R-2 or R-3 zone, or where such a zone boundary line divides a lot or parcel, there shall be maintained on the M-1B land along the zone boundary a side and/or rear yard having a depth at every point of ten feet, exclusive of any drainage channel. Said yard may be used only for landscaped buffer zones as approved by the Design Review Board. Larger lots shall comply with the requirements of 25.32.005(E)(2)(d).

(E) Sidewalks and Alleys. Sidewalks and alley improvements shall not be required as a part of development approvals.

5. Performance Standards. The performance standards as set forth in Section 25.32.006 shall apply.

SECTION 4. This Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15308 and 15321 of the State CEQA Guidelines.

SECTION 5. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 6. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ___ day of _____, 2003.

_____
Toni Iseman, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was adopted at a regular meeting of the City Council on _____, 2003, by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1435

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTION 25.38.080 REGARDING THE BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

WHEREAS, the Planning Commission conducted a legally noticed public hearing and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to Municipal Code Section 25.38.080 regarding the basis for establishing the areas of special flood hazard; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. Section 25.38.080 of the Municipal Code regarding the basis for establishing the areas of special flood hazard is hereby amended to read in its entirety as follows:

25.38.080 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency (FEMA) or the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Laguna Beach" dated September 28, 1979, amended September 18, 1985 and again on January 3, 1997 with an accompanying Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of this Chapter. On August 9, 2002, FEMA completed a re-evaluation of flood hazards for Orange County and incorporated areas, including Laguna Beach, and provided the City with an amended Flood Insurance Study and accompanying FIRM. This study was effective on February 18, 2004. This amended study and FIRM is adopted by reference and declared to be a part of this Chapter. All further amendments and revisions of the Flood Insurance Study and accompanying FIRM are hereby adopted. The latest adopted Flood Insurance Study is on file at 505 Forest Avenue, Laguna Beach, CA 92651. The latest adopted Flood Insurance Study is the minimum area of applicability of this Chapter and may be supplemented by studies for other areas which allow implementation of this Chapter and which are recommended to the City by the floodplain administrator.

SECTION 2. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061(1) of the State CEQA Guidelines.

SECTION 3. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 4. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective on February 18, 2004, which is more than thirty (30) days after the final approval by the City Council.

ADOPTED this 6th day of January, 2004.

Cheryl Kinsman, Mayor

ATTEST:

City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. 1435 was introduced at a regular meeting of the City Council on December 16, 2003 and was finally adopted at a regular meeting of the City Council of said City held on January 6, 2004 by the following vote:

AYES: COUNCILMEMBER(S): Dicterow, Baglin, Iseman, Pearson, Kinsman

NOES: COUNCILMEMBER(S): None

ABSENT: COUNCILMEMBER(S): None

City Clerk of the City of Laguna Beach, CA

ORDINANCE NO. 1436

AN ORDINANCE OF THE CITY OF LAGUNA BEACH AMENDING MUNICIPAL CODE SECTIONS 25.54.006 REGARDING THE DEFINITION OF APPROVAL AUTHORITY, 25.54.010(D) REGARDING MASTER SIGN PROGRAMS, AND 25.54.018(E) REGARDING SIGNS ELIGIBLE FOR ADMINSITRATIVE APPROVALS

WHEREAS, the Planning Commission conducted legally noticed public hearings and, after reviewing and considering all documents, testimony and other evidence presented, voted to recommend that the City Council approve amendments to Municipal Code Chapter 25.54 regarding sign regulations; and

WHEREAS, the City Council conducted a legally noticed public hearing and has reviewed and considered all documents, testimony and other evidence presented;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA BEACH DOES ORDAIN, as follows:

SECTION 1. In Section 25.54.006 of the Municipal Code regarding the definition of "Approval Authority," the definition shall be amended to read in its entirety as:

"Approval Authority" means either the Director of Community Development for signs eligible for administrative review pursuant to Section 25.54.018(E)~~,~~ or the Planning Commission. ~~for signs located within the Downtown Specific Plan area, or the Board of Adjustment/Design Review Board for signs located outside the Downtown Specific Plan area.~~

SECTION 2. Section 25.54.010(D) of the Municipal Code regarding Master Sign Programs is hereby amended to read in its entirety as:

(D) Master Sign Programs. ~~Where 4 or more businesses or uses requiring signage exist at one location or building center complex, a~~ A master sign program shall be submitted for review and ~~approved by the approval authority prior to the issuance of any sign permits~~ approval in relation to new office or shopping center construction or substantial façade improvements of an existing office or shopping center, when either contains four (4) or more businesses or uses, prior to the issuance of the center's individual sign permits. (See the master sign program submittal requirements in Section 25.54.018[A].) In order to assure aesthetic compatibility, the approval authority may establish whatever conditions are deemed necessary to maintain appropriate design, continuity and harmony of the signage for the site.

SECTION 3. Section 25.54.018(E) of the Municipal Code regarding signs eligible for administrative approval is hereby amended to read in its entirety as:

(E) Signs Eligible for Administrative Approval. Except for luminous tube signs, signs may be eligible for administrative review and approval by the Director of Community Development, if they meet the following criteria. At the discretion of the Director, such signs may be referred to the appropriate approval authority for review. Eligible signs include:

(1) Signs in compliance with an approved master sign program;

(2) Signs that meet all of the following conditions:

(a) The sign(s) must meet all applicable design standards as set forth in this Chapter, including but not limited to Section 25.54.010 and Tables 1 and 2;

(b) The sign(s) shall not cause the total signage to exceed the maximum allowable sign area for the site; and

~~(c) Each sign shall not exceed 50% of the maximum sign area specified in Table 2; and~~

(~~d~~c) The letter or font height shall not exceed 8 inches.

(3) Temporary signs which comply with the requirements of Section 25.54.020. Temporary signs or temporary sign programs for City Council approved special events are not eligible for administrative approval.

SECTION 4. One (1) year after the effective date of this ordinance, staff is directed to report to the Planning Commission on the effectiveness of the sign regulations, especially in regards to signs eligible for administrative approval outlined in Code Section 25.54.018(E).

SECTION 5. This Ordinance is exempt from compliance with the California Environmental Quality Act (CEQA) pursuant to Section 15061 (3) of the State CEQA Guidelines.

SECTION 6. This Ordinance is intended to be of Citywide effect and application. All ordinances and provisions of the Laguna Beach Municipal Code and Sections thereof inconsistent herewith shall be hereby repealed to the extent of such inconsistency and no further.

SECTION 7. The City Clerk of the City of Laguna Beach shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published in the same manner required by law in the City of Laguna Beach. This Ordinance shall become effective thirty (30) days after the final approval by the City Council.

ADOPTED this ____ day of _____, 2004.

_____
Cheryl Kinsman, Mayor

ATTEST:

_____
City Clerk

I, Verna Rollinger, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Ordinance No. ____ was introduced at a regular meeting of the City Council on December 16, 2003 and was finally adopted at a regular meeting of the City Council of said City held on _____, 2004 by the following vote:

AYES: COUNCILMEMBER(S):

NOES: COUNCILMEMBER(S):

ABSENT: COUNCILMEMBER(S):

_____
City Clerk of the City of Laguna Beach, CA

March 17, 2008

Meg Vaughn
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Subject: Local Coastal Program (LCP) Amendment 1-07C

Dear Meg:

As previously discussed with you, I am writing you about desired City changes to the proposed suggested modifications for LCP Amendment 1-07C.

Suggested Modification No. 2 (Land Use Plan) on page 9 in regards to the City's General Plan Safety Element. Coastal staff is proposing the following:

> While in most areas of the City with existing homes the concepts of fuel modiciation must be applied to remedy, as much as possible, a less than ideal situation, owners of undeveloped properties and lots should conduct site planning from the beginning of a project design to create proper zones and setbacks, and to site structures at the safest locations in terms of fire danger. Responsibility for the continued maintenance of fuel modification areas also needs to be defined and structured. No new division of land shall be allowed which would require fuel modification (e.g. vegetation removal) or fuel breaks in environmentally sensitive areas or on public open space or park lands.

The City would like the proposed language to read as follows:

> While in most areas of the City with existing homes the concepts of fuel modiciation must be applied to remedy, as much as possible, a less than ideal situation, owners of undeveloped properties and lots should conduct site planning from the beginning of a project design to create proper zones and setbacks, and to site structures at the safest locations in terms of fire danger. Responsibility for the continued maintenance of fuel modification areas also needs to be defined and structured. New divisions of land should not be approved without approved impact mitigation measures. if such subdivisions require fuel modification (e.g. vegetation removal) or fuel breaks in evironmentally sensitive areas or on public open space or park lands.

The City does not believe that the proposed suggested modification language by coastal staff is consistent with past practice of what has been applied throughout the state. There are

505 FOREST AVE. • LAGUNA BEACH, CA 92651 • TEL (949) 497-3311 • FAX (949) 497-0771

always situations that are exceptions to the rule. There might be a scenario that all applicable local, state and federal agencies that reviewed the project would agree on appropriate mitigation measures of habitat impact for a proposed fuel modification program. The bottom line is that fuel modification and the related public life safety component, which is not a trivial matter, must be balanced with protection of environmentally sensitive areas in review of a specific project and its site conditions.

Suggested Modification No. 7 (Implementation Plan) on page 15 in regards to the City's Parking Ordinance. Coastal staff is proposing the following:

25.52.004 General Provisions.

(A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required. These requirements may be increased if it is determined that the parking standards are inadequate for a specific project, or decrease subject to the provisions of Section 25.52.006(G). ~~The parking requirements of this chapter are only applicable to allowed uses which are considered to be an intensification of use.~~

(B) Location of Parking. *No change.*

(C) Accessibility and Usability. *No change.*

(D) Parking Spaces for the Physically Handicapped. *No change.*

(E) Intensification of Use.

(1) When a use is changed to a use which has a greater parking requirement or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses, or when the floor area of an existing building is enlarged, then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations (up to a maximum of three) for the proposed use having a greater parking requirement, ~~for the uses proposed in the pre-subdivided suite or building,~~ or for the entire building which is enlarged less credit for the following:

(a) The actual number of parking spaces provided on-site, if any;

(b) The number of previously paid for in-lieu parking certificates for the subject premises, if any; and

(c) ~~The number of parking spaces that would have been required by t~~The parking regulations in effect in 1958 for the use currently existing on the property, if the building was built prior to that time~~, minus the actual number of parking spaces provided on site, if any~~.

In a situation where an enlargement results in the creation of no more than ten percent additional square footage of floor area and does not exceed five hundred square feet, additional parking shall be required for the enlarged area only.

(2) When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-

lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

(3) In-lieu parking certificates, referenced above, are allowed only as described in Section 25.52.006(E) Special Parking districtsa – In-Lieu Parking Certificates.

The City would like the proposed language to read as follows:

25.52.004 General Provisions.

(A) Minimum Requirements. The parking requirements established are to be considered as the minimum necessary for such uses permitted within the respective zones and where discretionary permits are required. These requirements may be increased ~~if it is determined that the parking standards are inadequate for a specific project, or decrease~~ upon determination that the parking standards are inadequate for a specific project because that project requires an intense parking demand including, but not limited to increased use of employees or operational standards. The submission of operational information of a proposed use, such as the number of employees or operational shifts, when the greatest number of employees is on duty, the hours of operation and the amount of area devoted to particular uses, included hotels, shall be submitted with all conditional use permit applications. These requirements may be decreased subject to the provisions of Section 25.52.006(G). The parking requirements of Chapter 25.52 are only applicable to allowed uses which are considered to be an intensification of use.

(B) Location of Parking. *No change.*

(C) Accessibility and Usability. *No change.*

(D) Parking Spaces for the Physically Handicapped. *No change.*

(E) Intensification of Use.

(1) When a new building is constructed or when more than 50% of the gross floor area of an existing building is proposed to be remodeled or reconstructed, or a use is changed to a use which has a greater parking requirement ~~or when the floor area within an existing building or suite is subdivided by interior walls to accommodate additional uses,~~ or when the floor area of an existing building is enlarged, then the property owner or applicant shall provide parking or purchase in-lieu parking certificates equivalent to the number of parking spaces required by current parking regulations (up to the maximum allowed in Section 25.52.006(E) – Special Parking Districts – In-lieu Parking Certificates) for the proposed use having a greater parking requirement, ~~for the uses proposed in the presubdivided suite or building,~~ or for the entire building which is constructed, remodeled, reconstructed or enlarged less credit for the following:

(a) The actual number of parking spaces provided on-site, if any;

(b) The number of previously paid for in-lieu parking certificates for the subject premises, if any; and

(c) Any spaces that currently exist on-site that were provided to meet the parking regulations in effect in 1958 for the use currently existing on the

property, if the building was built prior to that time, minus the actual number of parking spaces provided on-site, if any.

(2) ~~In a situation where~~When an enlargement results in the creation of no more than ten percent additional square footage of floor area and does not exceed five hundred square feet, additional parking shall be required for the enlarged area only.

(~~2~~3) When an intensification of use is proposed, and when such use and/or building is a portion of a larger premises for which parking spaces are already provided and/or in-lieu parking certificates have been issued and paid for, then any credit for such parking and/or certificates shall be allocated proportionately on a gross square footage basis.

The proposed changes in Section 25.52.004(A) Minimum Requirements have been recently adopted by the City and are part of a subsequent LCP amendment request that has been submitted for review and approval. The proposed changes are consistent with Coastal staff's concerns and arguments about the review for adequate parking.

The balance of the proposed changes relate to Coastal staff's concern that that the present definition of intensification of use does not take into account the possible parking impacts associated with a scenario of remodeling or reconstructing an existing building. The City proposed changes amends the definition of intensification of use to take that scenario into account. Note that the City has always required that new buildings and 50% or more remodels comply with providing the required parking spaces; these amendments restate or clarify those requirements.

If you need any further information, please call me at (949) 497-0361.

Sincerely,

John Montgomery
Director
Community Development

cc: City Manager
Planning Administrator
File

Exhibit 32

To be added with Addendum